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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Eternal Father, we trust in Your unfailing love and commit our lives to You. Help us to live in purity so that we will never dishonor You. Guard our minds so that our thoughts will please You as we passionately seek Your truth.

Today, strengthen the Members of this body in their work. Use them to bring comfort and courage to the less fortunate. Help them to give their hearts to You and seek to please You in all they do and say. May they find their peace and freedom in knowing You. Empower them to live in such a way that by the wisdom of their words and the power of their example, others may be moved to give their hearts to You.

We pray in Your majestic Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 13, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for an hour this morning. The majority controls the first half, Republicans control the final 30 minutes.

Following the period of morning business, the Senate will resume consideration of H.R. 6, the comprehensive energy legislation.

Under an order entered last night, the time following morning business until 11:45 will be equally divided between Senators BOXER and INHOFE, dealing with an amendment offered by Senator INHOFE regarding oil refineries. So at 11:45, the Senate will vote in relation to the Inhofe amendment.

Other amendments are expected to be offered after the Inhofe amendment is disposed of, and votes will occur throughout today's session.

Senator MCCONNELL and I have a meeting at the White House this afternoon, so I don't think we will have a vote until about 3:30 or so after this first vote. I will also state it appears, because we need to move this Energy bill along, there will likely be no morning business tomorrow, so we should alert Members to that fact.

It is my understanding the Republican leader has something which he has to attend to.

MAKING MINORITY APPOINTMENTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 233, which was submitted earlier today; that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 233) was agreed to, as follows:

S. RES. 233

Resolved, That the following be the minority membership on the Select Committee on Ethics for the remainder of the 110th Congress, or until their successors are appointed: Mr. Cornyn, Mr. Roberts, and Mr. Isakson.

SENATE ACCOMPLISHMENTS

Mr. REID. Mr. President, I thought it was important to point out to the Senate and to the country what we have accomplished during this 6 months that we have been in session. We have had some hurdles to go through, and as a result of that, it has taken a little longer than we wanted on most everything, but we have made some significant accomplishments, and I think the Senate should talk about the accomplishments we have made.

Democrats can't take credit for all this work that has been done because everything that passed took Republican votes also. So I think we, as a Senate, should be able to talk about what we have accomplished.

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

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We have passed the minimum wage bill, which is now law. We passed a balanced budget, which also has in it the restoration of pay as you go. We passed a continuing resolution. Remember, when we came here, there had been no funding preparations made for after February 1, so we had to do that, and we did. We worked on approving the appointment of U.S. attorneys. That passed on a bipartisan basis.

We worked to make sure there was equipment for Guard and Reserves that was appropriate for those people serving in Iraq. We worked hard to push Mine Resistant Ambush Protected vehicles, and now they are in theatre. We passed health care legislation for the veterans, and we provided military medicine that was over and above what the President requested.

We basically full funded the Katrina disaster, which was something that was long overdue. We provided health insurance for children. And I would say, without question, this was as much pushed by Republicans as Democrats—the $600 million that will fund many programs in an adequate fashion until the 1st of October, which would not have been the case otherwise.

We provided $1 billion for homeland security, something we had been working on for a long time. This will allow the Department of Homeland Security to provide more security at our train stations and on our rails and to do some things we have not been doing at airports.

For 3 years, we have been trying to get agriculture disaster relief passed. We were able to do that. Again, clearly bipartisan. Western wildfire relief is important. For example, in the State of Nevada, more than a million acres have burned.

We have had many hearings dealing with the conduct of the war. We have had only two things that have been vetoed. One was the emergency supplemental with timelines, and the other is—I don't know if the President has vetoed it yet. I didn't check with my staff before I came here. But I know we sent the President the stem cell bill yesterday, and I am told he is going to veto that.

We have a number of things that are in progress. We expect to be able to do the ethics and lobbying reform in the near future, hopefully within a matter of the next week or 10 days.

The 9/11 Commission recommendations, Senators LIEBERMAN and COLLINS have been working hard on that with their House counterparts. That is basically done. We have security at the U.S. courts. I have spoken to the House yesterday and they are going to move on that, so that can be completed with the conference because we passed it over here.

Reauthorization of FDA, we have done that here. I think that should be able to be conferenced quite soon.

WRDA, Senators BOXER and INHOFE are working on that very hard. We expect that conference to take place without a lot of heartburn. And the competitiveness legislation. I spoke with the Speaker last evening. They have a bill they have already passed. We have passed one. We should be able to do that—again, clearly a bipartisan bill.

We have a number of things we tried to move on and were unable to do so because procedurally we couldn't get to them, even though we tried. One was to change the Medicare prescription drug law on negotiation and allow Medicare to do that. We wanted to do intelligence authorization. We were prevented from being able to get it on the floor because of a filibuster. Immigration reform is a work in progress. Perhaps in the next few days we will have a pathway to get that completed.

I have had some good conversations this morning with both Democrats and Republicans on that issue, and the Republican leader and I hope we can sit down and talk about that when he has a proposal he can give. I understand that could come as early as today or tomorrow.

We have on the Senate Floor now an energy bill—again, totally bipartisan. Everything that is in the bill that is on the Senate Floor has been bipartisan. So I hope we can move forward on that and complete that.

As I indicated, we need to start, before we leave here, the Defense authorization bill. I hope we can do that.

So we have done a lot. A lot of times you hear little bits and pieces of what we have done. I have not covered everything, but I have touched on most everything we have been able to do this year, and I think it is something that we should feel good about.

Ms. STABENOW. Mr. President, will the majority leader yield for a moment?

Mr. REID. I am happy to yield.

Ms. STABENOW. Mr. President, I would like to thank our majority leader for his effort. He read a list in the last few moments that goes through quite quickly a whole list of things that have required an extraordinary amount of effort to be able to accomplish, and I wish to thank him personally.

This has not been an easy 6 months. I think our friends on the other side of the aisle have wished to slow things down, with procedural motions over and over again, to even go to a bill, and to see the leader's patience and determination and perseverance has been extraordinary.

I am very proud of the fact, when we compare our first 6 months to the 6 months in previous Congresses, that this gentleman has been a task master. He has kept his nose to the grindstone and has kept us focused on things that matter to the American people, from the war in Iraq and bringing that to the forefront, to having hearings where we have asked for accountability and attempted to change the direction on the war, as well as to things we in Michigan are desperately caring about every day, in terms of our economy and our quality of life.

So I wish to thank the leader personally for all he has done and will continue to do. I know that with all of us working together, we are changing the direction of this Congress and working very hard to address the things that people care about every day.

RECOGNITION OF THE MINORITY LEADER

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

ENERGY

Mr. MCCONNELL. Mr. President, the Senate takes up energy today. Let me say at the outset the proposed bill has some good provisions and it has some troubling ones. What most concerns Republicans are the issues it doesn't address at all.

Everyone agrees energy independence is a top priority. America imports nearly 60 percent of its oil, much of it from dangerous and unstable countries that do not have our best interests at heart. Yet the bill on the floor does nothing to increase domestic production of oil and gas—absolutely nothing. If energy independence is truly a priority, we will increase domestic production of oil and gas, period.

Increasing production at home will lead to greater independence and it will lead to lower gas prices. The average price of gas has gone from $2.20 to $3.15 a gallon since the Democrats took over the Senate. It is in danger of going up even more if this bill is not amended. We know gas prices go up as supply goes down. Yet this bill, as written, does nothing either to increase domestic supply or refinery capacity and, thus, drive down gas prices.

Liberals in Congress have historically blocked both these efforts. But with the price of gas where it is, this annual gift to the environmental lobby is a luxury we can no longer afford. If we are serious about gas prices, we will increase both domestic production and refining capacity. This bill, as written, does nothing to address either; therefore, nothing to lower gas prices.

Republicans will be offering amendments that will fill the gaps and give Members a chance to do something about energy independence and out-of-control gas prices. Yesterday, Senator INHOFE offered an amendment to increase refinery capacity, and Republicans will soon have a chance to vote on his proposal.

I also appreciate Senator BUNNING's hard work on coal to liquids, which is poised to become a major industry in Kentucky. This technology is one of the more promising alternative fuels we know of. Its addition to the market is one more way Republicans are proposing to lower fuel prices.

We will also debate fuel economy standards, and that is appropriate. We

should do all we can to increase fuel efficiency of our cars and our trucks. But we have to do it in a way that is realistic and that doesn't cost thousands of autoworkers, in places such as Louisville, Bowling Green, and Georgetown, KY, and countless other communities across the country, literally eliminating their work.

Every summer, our good friends on the other side dust off the old class warfare playbook and blame our gas prices on cigar-chomping oil executives. Look, price gouging is wrong. If it is found, it should be punished. But the other side has called countless hearings to try to pin down big oil on price gouging and they haven't come up with the goods yet. It is time to put away the playbook and do something that can help Americans who are suffering every day from high gas prices.

Republicans are eager to move forward on this energy legislation. We are acutely aware of the dangers associated with our dependence on foreign sources of oil. But we can address all of these dangers responsibly, and we should start with the most immediate concern, which is gas prices. Increasing refinery capacity and domestic production should be our goal in this debate. After all, the purpose of an energy bill is to reduce the cost of energy and that is what Republicans intend to do.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, the time equally divided and controlled between the two leaders or their designees. The first half shall be under the control of the majority, of which 20 minutes shall be under the control of Mr. BROWN or his designee and the second half shall be under the control of the Republicans.

The Senator from Ohio is recognized under the order.

Mr. BROWN. Mr. President, I ask unanimous consent that the 20 minutes time be divided among myself, Senator STABENOW, and Senator DORGAN and that we will, during this 20 minutes, do a colloquy and discussion.

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

TRADE POLICY

Mr. BROWN. Mr. President, it is pretty clear, as we survey the landscape around our great country, what has happened to manufacturing jobs and what has happened to our economy. Over and over, in my State of Ohio, I know, and Senator STABENOW's State of Michigan, we have seen huge job losses, especially in manufacturing. In my State, since 2000, Ohio has lost 1,800 manufacturing companies, more than 200,000 jobs with average wages of $48,000, according to the Northeast Ohio Campaign for American Manufacturing. We also know that American workers, when it is a level playing field, can outcompete workers, can outcompete small businesses, can outcompete companies all over the world—when there is a level playing field.

Last week, Senator STABENOW and others participated in a manufacturing summit. She brought leaders of small businesses and large manufacturers to the Nation's Capitol with labor leaders and other people who care about manufacturing. We discussed how we remain competitive, how we shape trade policies to help not hurt our small- and medium-sized manufacturers. At that summit, an Ohio businessman named John Colm walked up to me with a stack of fliers. They were auction notices. He had received 47 of them in the last 4 months. These notices were for ''going out of business'' sales; they were companies selling off assets, in essence cannibalizing their companies, selling their machinery at rock-bottom prices—all that this manufacturing crisis has done to small manufacturers and large manufacturers but especially small companies in our communities.

We also know how U.S. trade policy has failed American business, especially small business, especially small manufacturers. We know the year I first ran for Congress, in 1992, we had a trade deficit in this country of $38 billion. Today our trade deficit, whether you count services or not, exceeds either $700 billion or $800 billion—from $38 billion to $700 billion to $800 billion in a decade and a half. Our trade deficit with China went from low double digits a decade and a half ago to somewhere in the vicinity of $250 billion today.

President Bush, Sr., the first President Bush, said for every $1 billion in trade deficit, it costs a country somewhere in the vicinity of 13,000 jobs. You do the math and you figure how many jobs we have lost, in part, because of our trade policy.

The response of the administration is: Let's do more of these trade agreements. We have already had NAFTA, we have already had PNTR with China, we have already had CAFTA and Singapore and Chile and Morocco and Jordan; let's do more, let's do a trade agreement with Panama, let's do one with Peru, let's do one with Colombia, let's do one with South Korea. The fact is, this trade policy is the wrong direction for our country.

In elections last fall, where Senator STABENOW, who has been a leader on trade and manufacturing, was reelected with a huge margin in a State that has been devastated by bad trade policies; in my State, and Senator WEBB's, Senator SANDERS', Senator TESTER's, the Presiding Officer's, and Senator CARDIN's—in all of our States, the voters spoke loudly and clearly that our trade policy has failed our middle class. Our trade policy has failed small business. Our trade policy has failed our communities. When a company shuts down with 300 workers in Steubenville or Lima or Dayton or Finley—when a company shuts down, it devastates a community. It means schoolteachers are laid off, police and firefighters are laid off. It means people are not as safe in their communities as their economy deteriorates.

I will close and turn the podium over to Senator STABENOW with a brief mention of energy. Senator REID, the majority leader, spoke about energy. He spoke about Democratic accomplishments today and talked about the energy bill coming up. I wish to illustrate, for a moment, how energy policy can matter and make a difference in manufacturing. At Oberlin College, a community not too far from where I live, between Cleveland and Toledo, on the campus of Oberlin College is located the largest building on any college campus in America that is fully powered by solar energy. When speaking to David Orr, the professor who helped raise the money to build this building, he told me the solar panels that power this building at Oberlin College—a whole roof, a large expanse of roof or solar panels—they were bought in Germany and Japan because we don't make enough of them. Go west of there, where the University of Toledo is doing some of the best wind turbine research in the country. Yet we are not building the turbines and the components and the solar panels and solar cells in this country. This Energy bill we will discuss today, this week and next week, coupled with a real manufacturing policy as Senator STABENOW has articulated over the last several years, can mean more good-paying industrial manufacturing jobs in our country, can help to stabilize energy prices, and can make a difference in rebuilding the middle class in Ohio, Michigan, North Dakota—all over this country.

I yield the floor to Senator STABENOW and thank her for her leadership.

Ms. STABENOW. Mr. President, thank you to my colleague from Ohio. It is so wonderful to have this strong voice, a leader in the House of Representatives on trade and manufacturing and all the issues that affect middle-class families and to now have Senator BROWN joining us in the Senate. It is such a benefit for all of us who care deeply about keeping the middle class in this country, about making sure we move forward with a 21st century manufacturing strategy that works for our country in a global economy. I thank the Senator from Ohio for his words and also join with him and with our wonderful colleague from North Dakota who has been such a champion on issues of fair trade.

First, I will start by reinforcing what has been happening to manufacturing in the last 6½ years. In this country, we have lost over 3 million manufacturing jobs. Why should we care about 3 million jobs that people raised their kids on, sent them to college—middle-

class families with good jobs, good incomes, with health care, with pensions? These are the jobs that have created the middle class of this country. That is not rhetoric. That is a fact.

These are those kinds of jobs, even though they are different. This is not your father's factory. These are new, advanced technology manufacturing jobs now that are being created. But in the future these are needed if we are going to keep the middle class of this country. That is why we are on the floor of the Senate, to express deep concern about the incredibly poor judgment and lack of attention coming from this administration and coming, in general, from those all together making policy that relates to trade and how we compete in a global economy.

We have to pay attention before it is too late, before we lose our economic competitiveness in a global economy, our ability to make things.

I believe any economy is based on the ability to make things and grow things and add value to that. We have to have a strong, vibrant manufacturing economy in order to be able to move forward and compete around the globe now.

We did hold a manufacturing summit, I think the first of its kind in the Senate, last week. I was very proud that Senator REID, our leader, enthusiastically supported us bringing together 70 different CEOs and high-ranking manufacturing leaders, as well as those representing their labor force, their unions, to come together and talk about what has happened in manufacturing and how we in the Senate can be supportive of keeping manufacturing competitive—a level playing field, which is all we are asking for in a global economy.

We heard some desperate pleas for us to pay attention to what is going on. Over and over again these CEO's talked with us about the fact that in a global economy, now competing with nonmarket economies such as China, they in fact are not competing with companies, they are competing with countries. We go out in the marketplace. There are rules required of our companies to be able to put a plant in another country or have local content in China with auto suppliers. You can't send it in and do business with China. You have to make the product there. Their country owns part of the business or provides great incentives, through a variety of other policies. Yet we are not paying attention. Unfortunately, this administration has not gotten what is happening when we talk about currency manipulation and counterfeiting and all the other policy issues that have put our companies at a disadvantage.

We are happy to export in a global economy. We wish to export our products, not our jobs. Right now we are exporting too many of our jobs.

What is the reality? When China went into the WTO in 2001, we were told two things: our trade deficit would go down and that our jobs would go up. Unfortunately, the facts are exactly the opposite; a $83 billion trade deficit with China. Last year that number skyrocketed to $288 billion, from $83 billion to $288 billion. It is certainly not going down. We have seen the Economic Policy Institute release a study 2 weeks ago that revealed 1.8 million jobs have been displaced through trade with China alone since they entered the World Trade Organization. They promised they would follow the rules. That is part of how you become part of the WTO. We were told: Support them so they can become a part of this international organization, where they will be required to follow the same rules as everybody else. They have not and we have lost, with China alone, 1.8 million good-paying, middle-class jobs.

It is now time to say enough is enough. In fact, 11 agreements have been completed since this administration, new trade agreements. Yet to enforce the agreements, the money has actually gone down by 17 percent. There is no willingness to understand what is going on.

In the counterfeiting business, we have a $12 billion counterfeit auto parts industry alone. What does that mean? These are auto parts coming in that do not meet our safety standards. The brakes may look the same, but if you go to a shelf and say I want this one because it is cheaper and put it in your car, it doesn't meet safety regulations. What happens when you are driving with your kids in the car? These are serious issues for what happens when auto parts are brought in, in a counterfeit manner.

Now, $12 billion worth of counterfeit auto parts have come in. In fact, in the last 5 years, we have lost 250,000 jobs in America because of that, and we have seen six of our Nation's largest auto suppliers go into bankruptcy. This is no accident. We don't have a policy. We passed, here, a counterfeit policy to strengthen our counterfeiting laws and the administration doesn't even use those. They have turned a blind eye. We have lost 250,000 jobs. We have seen our largest auto suppliers going into bankruptcy—Delphi, Dana Corp., Collins & Aikman, Federal-Mogul, Tower Automotive, and Dura Automotive.

Our job is to fight for our businesses that are competing in a global economy where other countries are not following the rules.

Let me give one other example, and I will be happy to turn to my colleague from North Dakota, the issue of currency manipulation. When we say currency manipulation, most people's eyes glaze over. What does that mean? Because a country such as China or Japan, when it comes to the auto industry, purposely keeps their currency down in value, they get a discount on the exchange rate when they bring their product into this country. In China, for instance, again, where we look at an auto part, the same auto parts that are being pirated, snuck into America or they are stealing the patents and making them illegally in China—if they actually bring them in, they also, on top of everything else, get a discount. They can sell the same auto part, the same bolt for $60 that we sell for $100 here, a $40 difference.

When you add that up, that is a $40 discount. On top of that, they are not paying health care the way we structure it. We are the only industrialized country that puts that on the backs of our businesses.

They are following a whole different set of rules. Their wages are dramatically lower. When we say to our auto suppliers or we say to our furniture makers or we say to others: Why can't you compete in a global economy, well, Mr. President, the manufacturers who joined us last week, and the great manufacturers in Michigan I go home and speak with every single weekend are saying: Look around you. We are competitive. We can be competitive. We are productive, but we have to have a Federal Government that partners with us so we have a level playing field on which to operate. Don't let the other team go down to the 20-yard line toward the goal. Put us both on the 50, have the level playing field, and we will compete with anybody and American ingenuity and hard work will win. That is what fair trade policies are all about.

I yield now to my colleague from North Dakota who comes to the floor every day speaking out on these issues and who has been a powerful voice for American workers and free trade.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from North Dakota has 4 minutes remaining.

Mr. DORGAN. Mr. President, first of all, I thank my colleagues for their strong voice on trade.

I note this morning in the Washington Post that they have written one more ''don't confuse us with the facts'' editorial on trade. It is a creed that we see often in this newspaper. And this one is under the guise of criticizing Senator CLINTON for saying that she opposes the United States-Korea Free Trade Agreement.

In fact, let me read a part of the article. It says: If ratified, this Korean free-trade agreement, would be the most far-reaching trade agreement since the pact with Mexico and Canada.

Oh, really? Well, the pact with Mexico, we actually negotiated that when we had a trade surplus with Mexico. We have turned that into a $60 billion-a-year deficit. The trade with Canada, we had a small deficit with Canada. We have turned it into a giant deficit.

So if the Washington Post compares this with the NAFTA and the Mexico and Canada trade pacts, they ought to go back and look at the facts.

But let me just say, if they choose to applaud this trade agreement as the

ideal of what trade agreements ought to be like, I think they have chosen the wrong tent pole.

Here is what is happening with trade. This is what the Washington Post is supporting: an avalanche of red ink, dramatic trade deficits, which means we have shipped American jobs overseas. I believe we have begun to undermine this country's economy.

With respect to automobile trade and Korea and this agreement, let me say we have already negotiated two agreements with Korea in the 1990s. They have not abided by either of them. They say: Yes, yes, yes. They sign up for the agreement, and they do not do anything with respect to the enforcement.

Here is what we have with Korea. Last year, they sent us 730,000 Korean cars to be sold in the United States. Guess what. We were able to sell 4,000 cars in Korea. Let me say that again. They shipped 730,000 cars to be sold here. We were able to sell 4,000 cars in Korea.

Fair trade? I don't think so. Ninety-nine percent of the cars driving on the streets of Korea are Korean-made because that is the way they want it. That is the way they will keep it. Go read the story about the Dodge Dakota pickup that we tried to sell in Korea, and how the Korean government blocked that. You will know all you need to know about Korea auto trade.

So when the Washington Post criticizes Senator CLINTON for standing up for this country's economic interests, I think it is a curious kind of thing for the Washington Post to do.

This issue of trade is about jobs, real jobs. And the people who have those jobs are the people who know about second shifts, second jobs, second mortgages. They are American workers trying to make a go of it in a global economy, supported by the Washington Post, that puts downward pressure on their wages, and says let's sign up for any trade agreement, even if it is unfair to this country's economic interests.

A group of us proposed that we do benchmarks with trade agreements. Let's find out whether there is the kind of benchmark and accountability that will meet the test of progress on the other side with respect to trade agreements. But this administration opposes that as well.

The reason I wanted to take the floor today was to talk about the Korean free-trade agreement. We could talk about most others, as well, but the editorial this morning criticizing Senator CLINTON is unbelievable, and deals with the Korean deal.

This is the weakest possible point the Washington Post could make, or those who support these trade agreements could make. The Koreans send us 700,000 cars. They will allow only 4,000 of ours into their marketplace. That is fair trade? So they say, let's sign up for a third agreement with them. How many bitter lessons do we have to learn? What about accountability? What about benchmarks? Why won't this administration agree to benchmarks on trade agreements so that we can see whether we really are standing up for this country's economic interests?

Mr. President, in my judgment, it is not just the Washington Post but so many others here I think are experiencing a triumph of hope over real experience when they support trade agreements that we know to be bad agreements from this country's economic standpoint.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from New Jersey.

ENERGY

Mr. MENENDEZ. Mr. President, as a member of the Energy Committee, I know a tremendous amount of work has been put into making this a strong energy package that will help us achieve energy self-reliance, lower gas prices, and reduce our greenhouse gas emissions.

Under Democratic leadership, we are headed into a new cleaner, greener, and more affordable energy future, one where we do not seek to treat our addiction to oil by drilling for yet more oil in the Arctic or off the east coast. This bill represents a bold step forward toward an economy that is based upon energy efficiency and renewable rather than fossil fuels.

I do believe, however, that there are a few key amendments that will make this good bill even better. The most important of these is Chairman BINGAMAN's renewable portfolio standard amendment, requiring that 15 percent of the Nation's electricity be produced from renewable sources by 2020. This forward-thinking provision is a declaration that our country is ready to be a renewable energy leader.

I often hear in the Halls of Congress that energy is a regional issue. If you represent a cold State, you probably support one set of policies; if your State grows corn or drills for oil, you support other policies.

I understand the passionate advocacy one must undertake on behalf of one's home State. But energy can no longer be viewed as a parochial issue that only affects local interests. We in the Senate have a responsibility to ensure that our local interests do not jeopardize the Nation's interests as a whole, nor can we stand in the way of this great Nation becoming a global leader on what has become a global issue.

For most of the past two centuries, this country has been blessed with an abundant supply of domestic energy, bountiful enough to provide us with all of the heat and power we have needed. But for the last 40 years we have increasingly had to look abroad to secure supplies of oil. This quest to feed our seemingly insatiable appetite for oil has unquestionably shaped our foreign policy.

We pay the price for our oil habit when a corrupt regime such as Iran feels emboldened to threaten its neighbors with nuclear weapons, and do so with impunity because their access to oil makes it possible for them to buy influence around the globe.

As New York Times columnist Tom Friedman has pointed out, it is not a coincidence that when oil was $20 a barrel, both Russia and Iran launched internal reform programs to increase democratic participation. As the price of oil has soared past $70 a barrel, both of those countries have reversed course and used their burgeoning treasuries to stifle dissent and roll back democratic progress.

The same story can be told across the world, from the corrupt royal governments and pseudo-theocracies of the Middle East, to the iron-fisted dictators who hold sway in the former Soviet countries in Central Asia, to the petro-populism of Hugo Chavez in Venezuela. Many of the countries that sit on the largest reserves of oil are the same countries that are now resisting reform and creating global instability.

If the story of the 20th century was of a tidal wave of democracy sweeping across the globe, the emerging story of the 21st century is of that wave being swallowed underneath a floor of crude. As long as there are tyrants who have the lucky fortune to sit on top of massive oil reserves and prop up their regimes through huge petroleum profits, there will be no reform. Finding alternatives to oil is a key to democratic, economic, and social reform in much of the world.

In response to this energy security challenge, some of my friends and colleagues will undoubtedly advocate Federal support for efforts to support a liquid fuel from coal. They point out that we have an abundant supply of coal, that we are the ''Saudi Arabia'' of coal. This line of thought ignores the threat of global warming.

The lifecycle emissions of liquid fuel made from coal are over twice that of gasoline. If we substitute oil for coal, a fuel that releases even more greenhouse gasses than oil, we are setting our planet up for disaster. Global warming is happening. It is caused by human activities. It is threatening our very existence.

Recently, the New Jersey Research and Policy Center catalogued the impacts of global warming in my State over the next century. If we do not act quickly and decisively, Cape May Beach will erode between 160 to 500 feet inland. The Holland Tunnel will be forced to close due to repeated floods. Heat-related deaths in our cities will rise fivefold, and flooding along the Delaware River will cause millions of dollars in property damage.

Similar devastating impacts will be seen all over the world. Floods will require the evacuation of millions in India and Bangladesh. East Asia will experience increased water shortages. Central Africa will see ever worsening

drought conditions. Warmer ocean surface temperatures will lead to stronger hurricanes and cyclones.

In order to address our energy challenges, we must keep these worldwide impacts in mind, but that does not mean we should not act locally to achieve our national goals. Just this past weekend, the Washington Post ran an article with the headline, ''Cities Take Lead on Environment As Debate Drags at Federal Level.''

The article detailed the actions that mayors have taken to fill the void left by the President's lack of leadership on climate change. Hundreds of mayors have created energy efficiency projects, promoted renewable energy, and vowed to meet the greenhouse gas reductions laid out in the Kyoto Protocol.

To foster this local spirit in our cities to tackle climate change, I, along with Senator SANDERS, have included a provision in this bill to create an energy and environmental block grant program. This program will allow cities and counties to get Federal grants to make their buildings more efficient, create new renewable energy projects, and continue their leadership in reducing U.S. carbon emissions.

Mr. President, not only does the Clean Energy Act of 2007 lower greenhouse gas emissions and help us achieve energy self-reliance, but the bill also promises to reduce prices at the pump. First, the bill creates real competition for oil by increasing the production of renewable biofuels from 8.5 billion gallons per year in 2008 to 36 billion gallons per year by 2022.

Second, the bill lowers the demand for oil by requiring the National Highway Traffic Safety Administration to achieve a nationwide fleet fuel economy of 35 miles per gallon by 2020 for passenger cars and light trucks.

Third, the bill expands the Federal research into plug-in hybrid technology so that electricity can compete against liquid fuels as a power source for our vehicles.

Finally, by cracking down on price gouging, the bill will ensure that oil companies cannot drive up costs without justification. For too long companies have been allowed to squeeze motorists for record profits without economic justification. This bill will make oil markets more transparent and institute tougher civil and criminal penalties for market manipulation.

Taken together, these measures will create more supply, put downward pressure on demand, and create a more competitive marketplace. In turn, this will lead to drastically lower prices for all drivers.

Mr. President, in closing, each of us comes to the Senate as a representative of our respective State, but our responsibilities do not end at our State's borders. As national leaders, we also have a responsibility to come together and address issues such as our global energy challenges.

When it comes to these issues, whether it is national security or global climate change, we must rise above local interests and show national leadership. Then, and only then will we be able to effect change that benefits consumers, improves our energy security, and establishes the United States as a leader in the fight against global warming.

I salute Senator BINGAMAN and Senator DOMENICI in this effort. I urge my colleagues to support this important bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak on the very important bill before us. Like the Senator from New Jersey, I serve on the Energy Committee. It has been my pleasure to work with the chairman and ranking member to discuss the problems we have in our country and the State of Florida with energy, the fact that it is such an essential ingredient in our daily lives. It needs more help. It needs reform, and Congress needs to address it.

As we move forward in shaping the policies that guide our Nation in securing domestic, stable, and affordable sources of energy, we must remember that everything we do here will have a direct impact on every American who drives a car, turns on a light, or takes a sip of water. Gas prices are hovering around historic highs. Energy bills are climbing. Over the last 5 months, gas prices have risen almost 50 percent. That is the one place where all Americans have to, at some point during the week, make a stop, as with the grocery store. If prices have gone up 50 percent over the last 5 months, imagine what that does to a family on a budget trying to make ends meet, trying to send children to school, trying to live on a fixed income—retire, perhaps—members of our military. This cuts across all people evenly. Energy bills are climbing for all Americans. There is increased concern over the impact our energy production has on our environment, and rightly so.

I am glad we are talking about this important issue because it is a vehicle we can use to address all three of these pressing concerns. But in this bill, there are areas where we can do more, areas we can improve to help shape the long-term outlook for domestic energy production.

In the area of gas prices, this bill does nothing to remove the barriers to refineries. Total U.S. demand for oil is about 22 million barrels per day. Right now, we have domestic refinery capacity here in the United States to produce about 17 million barrels a day. That means we have to import at least 5 million barrels of refined products every day just to meet our current deficit. But the problem is, our needs are growing and refinery capacity is static or shrinking. We need more refineries and more refinery capacity. But the fact is, we have not built a refinery in the United States in 30 years because of burdensome overregulation.

Under the current system, there is no incentive for companies to take the risk or make the investment in a process that in all likelihood will result in rejection. This is something this bill should address. We know the problem. We know the solution. All we need now is a commitment to do something about it. Until we address the refinery capacity and petroleum infrastructure problems, there will be no relief for this problem, for the ever-rising prices of gasoline for American consumers at the pump. Until we address refinery capacity, this bill will not be complete.

This bill attempts to address supposed price gouging at the pump. I think I speak for all my colleagues when I say we oppose price gouging and we should encourage vigorous prosecution of unscrupulous business practices. We should do all we can to see it doesn't happen and those who engage in that are punished. But study after study and investigation after investigation have shown that widespread price gouging is not happening. That is not the problem. After the devastating hurricanes of 2005, I joined my colleagues on the Energy and Natural Resources Committee to ask the Federal Trade Commission if there was any sort of collusion among the oil and gas industry to drive up prices. Once again, the FTC found no evidence of price gouging or of collusion.

Until we address the capacity of our refineries to produce more gas, the supply will be limited. Basic economics says if demand is high and supply is low, you are going to pay a premium at the pump. Gas prices are hurting Americans. We are looking at historic highs. Pick up a gas pump and open your wallet. Does this bill address that? No. This doesn't add any more production. This doesn't reduce inefficiencies. Instead, this bill mandates alternative fuels without removing cost barriers. We will still have a 54-cents-a-gallon tariff on Brazilian ethanol. That is fuel which could be flowing today in Florida and throughout our country. That is fuel which could increase supply, reduce the price at the pump, and have an impact on prices tomorrow. It is part of what this bill should address. We need to look at whether, in fact, it is prudent, at a time when we are trying to increase ethanol consumption, for us to put a tax on the import of ethanol from Brazil.

Another area of this bill where we could make improvements is by adding incentives to promote the production of nuclear energy. If we are looking for a clean, reliable, stable, and affordable energy supply, look no further than nuclear energy. In my State, we have five nuclear units generating roughly 15 percent of our energy needs. We need more of that kind of power generation. In the time since we ordered our last nuclear reactor in the 1970s, France has embraced nuclear energy. Now their country is 80 percent nuclear. They get it. They are using it. They are recycling the waste to generate even more

power. If we are looking for a renewable, clean, and stable source of energy, there is one. But instead of promoting nuclear energy, this bill is silent. Instead of giving Floridians relief from the costs associated with storing the waste at our facilities, we are faced with mounting bills.

Florida ratepayers have already paid $1.2 billion to move waste to Yucca Mountain, but it currently remains stored in Florida. It is sitting at the powerplants. This money, intended to store nuclear waste in Nevada, is costing Floridians money every month in every electric bill. It is costing us the money that should have been spent on producing more energy, on finding ways of bringing down the costs.

Under the 1982 Nuclear Waste Policy Act, we were supposed to be sending this waste to Yucca Mountain starting in 1998. We have let politics prevent us from embracing the promise of nuclear power. If we are serious about promoting the production of clean energy, we had better do what we promised Florida ratepayers and others around the Nation, that we open the central repository in Nevada.

We have enough coal to meet our energy needs for 200 years, and very little in this bill addresses that fact. States such as Kentucky, Montana, and Wyoming are rich in resources and ready to bring those resources to meet our growing fuel demands. As a Senator from Florida, I would much rather be digging for coal in Montana or Kentucky than drilling for oil on the beaches of Florida.

The Bingaman 15 percent RPS amendment is one of the amendments I encourage my colleagues to oppose. For Florida ratepayers who have embraced nuclear energy as a way to help reduce pollution, by 2030, the Bingaman amendment will have a cost of $21 billion. I don't know how many people in Florida think their energy bills are too low, but I can't imagine that they are willing to start subsidizing wind farms in North Dakota. Florida property taxes are already sky high. Our property taxes, our insurance costs are even higher. The last thing Floridians want is a $21 billion increase in their power bill. Break that down, and that is a rate increase of about $2,500 per household. That is more than a year's tuition at the University of Florida. That is more than a family on a fixed income might spend in a year for any type of recreational activity. Florida doesn't have the resources or the capacity to meet the arbitrary definitions or demands of the Bingaman amendment. We will take a big financial hit if it passes.

In the next 10 years, Florida's energy demands are expected to grow 60 percent. We need reliable, affordable, abundant, clean-burning energy to meet our demands. Disincentives like the renewable portfolio standard amendment don't provide power to the State of Florida. They don't help Florida meet its needs for seniors, veterans, working families, and those on fixed incomes.

This bill regulates and mandates, but where is the bill streamlining? Where is the redtape being reduced? Where are the incentives for States such as Florida to build upon those power sources which we have already found to be clean and successful?

A bright future for America and our economy depends on energy. We need it to run our homes, computers, cars, our entire way of life. Right now, we have a reliance on foreign sources of energy that is unhealthy. To get away from foreign sources of energy, we need to make the hard decisions today to give us a better tomorrow. That is certainly the case with our energy policy. Domestic solutions include nuclear, clean coal, biofuels, increased production of oil and natural gas. Obviously, conservation needs to be a cornerstone of what we do.

In Florida, we rejected oil and natural gas drilling off our coast in favor of pursuing alternatives, including expanding production in some of the deepest regions of the Outer Continental Shelf, opening 8.3 million acres for production. We are also studying new sources of energy. We are making great strides in biofuels research and development. We are working through public and private partnerships to harness the power of cellulosic ethanol and find ways to more efficiently turn orange rinds and sugar cane into energy. These are the ideas. These are the innovations we need to pursue in our natural energy policy. We need to reward States that are pursuing smart strategies. We need to stay away from penalizing those that don't have the resources to meet arbitrary and unrealistic benchmarks. We need an energy policy for the long haul.

I am hopeful we can do that, but we still have a lot more work to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

THE ECONOMY

Mr. ENZI. Mr. President, I listened to the conversation that has gone on this morning. I have to say I am a little bit disappointed in some of the negative comments about our country. I always thought you had to be an ultimate optimist to serve in this body. Things go slowly, which is probably fortunate, but we just can't keep trying to make ourselves look better by running down our country. I often remind people that I am not aware of anybody trying to get out of our country, but from the past 2 weeks' discussion, I know there are a lot of people trying to get in.

I will cite an article from the Wall Street Journal of Wednesday, May 23, 2007, that says, ''The Poor Get Richer.'' It reads:

It's been a rough week for John Edwards, and now comes more bad news for his ''two Americas'' campaign theme. A new study by the Congressional Budget Office says the poor have been getting less poor. On average, CBO found that low-wage households with children had incomes after inflation that were more than one-third higher in 2005 than in 1991.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Wall Street Journal, May 23, 2007]

THE POOR GET RICHER

It's been a rough week for John Edwards, and now come more bad news for his ''two Americas'' campaign theme. A new study by the Congressional Budget Office says the poor have been getting less poor. On average, CBO found that low-wage households with children had incomes after inflation that were more than one-third higher in 2005 than in 1991.

The CBO results don't fit the prevailing media stereotype of the U.S. economy as a richer take all affair—which may explain why you haven't read about them. Among all families with children, the poorest fifth had the fastest overall earnings growth over the 15 years measured. (See the nearby chart.) The poorest even had higher earnings growth than the richest 20%. The earnings of these poor households are about 80% higher today than in the early 1990s.

What happened? CBO says the main causes of this low-income earnings surge have been a combination of welfare reform, expansion of the earned income tax credit and wage gains from a tight labor market, especially in the late stages of the 1990s expansion. Though cash welfare fell as a share of overall income (which includes government benefits), earnings from work climbed sharply as the 1996 welfare reform pushed at least one family breadwinner into the job market.

Earnings growth tapered off as the economy slowed in the early part of this decade, but earnings for low-income families have still nearly doubled in the years since welfare reform became law. Some two million welfare mothers have left the dole for jobs since the mid-1990s. Far from being a disaster for the poor, as most on the left claimed when it was debated, welfare reform has proven to be a boon.

The report also rebuts the claim, fashionable in some precincts on CNN, that the middle class is losing ground. The median family with children saw an 18% rise in earnings from the early 1990s through 2005. That's $8,500 more purchasing power after inflation. The wealthiest fifth made a 55% gain in earnings, but the key point is that every class saw significant gains in income.

There's a lot of income mobility in America, so comparing poor families today with the poor families of 10 years ago can be misleading because they're not the same families. Every year hundreds of thousands of new immigrants and the young enter the workforce at ''poor'' income levels. But the CBO study found that, with the exception of chronically poor families who have no breadwinner, low-income job holders are climbing the income ladder.

When CBO examined surveys of the same poor families over a two year period, 2001–2003, it found that ''the average income for those households increased by nearly 45%.'' That's especially impressive considering that those were two of the weakest years for economic growth across the 15 years of the larger study.

One argument was whether welfare reform would help or hurt households headed by women. Well, CBO finds that female-headed poor households saw their incomes double from 1991 to 2005, and the percentage of that

income coming from a paycheck rose to more than a half from one-third. The percentage coming from traditional cash welfare fell to 7% from 42%. Poor households get more money from the earned income tax credit, but the advantage of that income-supplement program is that recipients have to work to get the benefit.

The poor took an earnings dip when the economy went into recession at the end of the Clinton era, but data from other government reports indicate that incomes are again starting to rise faster than inflation as labor markets tighten and the current economic expansion rolls forward.

It's probably asking way too much for this dose of economic reality to slow down the class envy lobby in Washington. But it's worth a try.

Mr. ENZI. Another article I refer to is from Denver's Rocky Mountain News for April 9, 2007, ''Not bad for a much-maligned economy.'' We keep talking about how bad the economy is. Well, it isn't bad.

Just when your mind may have been grappling with the disturbing news that Circuit City stores had fired 3,400 of their highest-paid hourly salespeople—not to trim the workforce, as you might expect, but to replace those let go with lower-paid workers—along comes the Labor Department with equally startling news, but of a positive bent.

In March, the U.S. economy added 180,000 jobs; the unemployment rate declined again, to 4.4 percent; and average hourly and weekly earnings advanced, with weekly income up 4.4 percent . . .

The article goes on to read:

But after six years of fairly steady economic growth despite a costly war, Katrina, a housing slump and other body blows, fair-minded people should at least entertain the possibility that current policies must be getting something right.

It ends by saying:

After all, what exactly is it about the March economic figures that [you] don't like?

I ask unanimous consent that that article be printed in the RECORD.

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

[From the Rocky Mountain News, Apr. 9, 2007]

NOT BAD FOR A MUCH-MALIGNED ECONOMY

Just when your mind may have been grappling with the disturbing news that Circuit City stores had fired 3,400 of their highest-paid hourly salespeople—not to trim the workforce, as you might expect, but to replace those let go with lower-paid workers—along comes the Labor Department with equally startling news, but of a positive bent.

In March, the U.S. economy added 180,000 jobs; the unemployment rate declined again, to 4.4 percent; and average hourly and weekly earnings advanced, with weekly income up 4.4 percent on an annual basis.

In other words, amid all of the economic anxiety fueled by globalization, immigration and the relentless rhetoric about a growing class divide in the United States, the actual performance of the American economy remains fairly remarkable.

We're not suggesting that the popular worries are baseless. Globalization involves winners and losers; immigration puts pressure on wages (at least on the lower end); and the rich have indeed been getting richer at a faster rate than the rest of us.

Even some of the popular resentments—such as over the steep trajectory of CEO pay—are hardly without merit.

But after six years of fairly steady economic growth despite a costly war, Katrina, a housing slump and other body blows, fair-minded people should at least entertain the possibility that current policies must be getting something right.

The burden of proof, indeed, should be on those who want to raise taxes, reverse advances in free trade, and micromanage businesses with a slew of new regulations affecting compensation, benefits and employment conditions.

After all, what exactly is it about the March economic figures that they don't like?

ENERGY

Mr. ENZI. Mr. President, what I really came to address is an issue of utmost importance to the American people. When I visit my home State and read the mail I receive from constituents, I am consistently reminded of the fact that we are seeing record-high energy prices. High energy prices affect almost every American. They affect the parent who drives his or her kids to school. They affect the college student who wants to make it home for the weekend. They affect Members of the Senate as we travel to and from our States. But we have to be careful with what we do. A lot of the time, something that we think is going to be a positive move turns out to be a negative.

I refer to a Wall Street Journal article of May 16, 2007. It is titled ''Green But Unclean.'' It reads:

Remember those water-saving toilets that Congress mandated a few years back? Yes, the ones that frequently clog and don't flush, causing many Americans to resort to buying high-performance, black-marketed potties in Canada and sneaking them into their homes like smugglers. Well, get set for Washington's latest brainstorm.

I ask unanimous consent to print this article in the RECORD.

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

[From the Wall Street Journal, May 16, 2007]

GREEN BUT UNCLEAN

Remember those water-saving toilets that Congress mandated a few years back? Yes, the ones that frequently clog and don't flush, causing many Americans to resort to buying high-performance black-market potties in Canada and sneaking them into their homes like smugglers. Well, get set for Washington's latest brainstorm: $800 washers that don't really clean.

The June issue of Consumer Reports states that ''Not so long ago you could count on most washers to get your clothes clean. Not anymore. . .'' The magazine tested the new washers and found that ''Some left our stain-soaked swatches nearly as dirty as they were before washing.''

The cause of this dirty laundry is a regulation issued in the waning days of the Clinton Administration mandating that washers use 35% less energy by 2007. Regulators claimed at the time that this would save money and energy without sacrificing performance. That's what they always say. But, according to Consumer Reports, the new top-loading washers ''had some of the lowest scores we've seen in years.''

Don't expect apologies from Congress or the green activists who promoted these mandates. We are living in one of those eras where all Americans are supposed to bow before the gods of energy conservation, even if it means walking around with dirty underwear. One irony is that because the new machines clean so poorly, consumers will often have to rewash clothes, which could well offset energy savings from the mandates. Not to mention the use of extra detergent. But no matter: Crusades like these are about pure green intentions, not the impure actual results.

And this is just the beginning. President Bush's endorsement of more immediate auto-mileage standards this week is the latest sign that we are returning to the era when the environment is used as the political justification to promote a new wave of government regulation.

Members of Congress and state legislatures are proposing new government edicts forcing Americans to use new and more energy-efficient fluorescent light bulbs instead of the conventional incandescent bulbs that many people prefer. Apparently Americans aren't wise enough to make up their own minds, as technology adapts and prices of the new bulbs fall.

Once upon a time liberals said government should stay out of the bedroom; at the current rate, that will be the only room in the house where Uncle Sam won't be telling us how to live.

Mr. ENZI. Price increases are for a number of reasons, but the simplest explanation is that we lack the supply to meet the demand for energy. At the same time, prices decrease when we see strong supplies that are capable of meeting the demand that exists.

We have to be careful that we reduce the demand—and that is what part of this bill does—but we also have to figure out a way to increase the supply. I am a little disappointed in what the bill does with that.

On June 12, 2007, there was an article in the Casper Star-Tribune. The title is ''Official warns of energy crisis; Growth in demand for electricity in West exceeds generation capacity.'' Of course, for years we have been hearing about rolling brownouts in California and even blackouts in part of the country.

It says:

Construction of new electrical generation in the West is projected to grow by 6 percent, while demand for electricity is projected to increase by 19 percent over the next 10 years, according to the Federal Energy Regulatory Commission.

FERC Commissioner Suedeen Kelly, speaking on her own behalf, said the situation is nothing short of a crisis.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Casper Star-Tribune, June 12, 2007]

OFFICIAL WARNS OF ENERGY CRISIS

(By Dustin Bleizeffer)

DEADWOOD, S.D.—Construction of new electrical generation in the West is projected to grow by 6 percent, while demand for electricity is projected to increase by 19 percent over the next 10 years, according to the Federal Energy Regulatory Commission.

FERC commissioner Suedeen Kelly, speaking on her own behalf, said the situation is nothing short of a crisis.

''There's not enough time to build our way out,'' Kelly told the Western Governors' Association here Monday.

Kelly said Western states must band together to aggressively seek energy efficiency, noting that even small load reductions during peak usage times have proven to save millions of dollars. In addition to efficiency, Kelly said, Western states must immediately launch a massive and coordinated construction effort to link rural renewable energy and clean coal resources to high-load centers.

She commended the Western Governors' Association for its efforts toward those goals, but cautioned that the process is going to be expensive—both financially and politically. The political cost is that some government entity—whether state or federal—is going to have to force power lines into someone's backyard.

States retain authority over siting power lines and related facilities—an endowment the federal government doesn't seem to envy, according to Kelly. Wyoming Gov. Dave Freudenthal suggested this is one area where the federal government could be useful. Freudenthal's idea: Perhaps FERC could play some sort of ''convenor'' role to ''legitimize'' siting authority.

''The governor feels really what the state can do is set the stage and make the case that transmission is important,'' Freudenthal spokeswoman Cara Eastwood said. ''It's a complex issue, and it's a challenging issue that has to be overcome in some way.''

Individual states can invite FERC to participate without relinquishing siting authority, Kelly said. She said open co-operation is key to dealing with the energy crisis, so Westerners are going to have to accept ''small environmental footprints'' to reduce the overall environmental footprint across the nation.

''We are no longer flying solo with our electricity supply and demand,'' Kelly said. ''We are dependent on each other—even more dependent on each other if we want to (develop) our renewable and clean coal'' resources.

Kelly said the energy shortfall will likely reveal itself this summer, noting that meteorologists project hot temperatures across the nation.

''We can correctly call this a crisis,'' Kelly said. ''We don't have enough time to build generation to meet increased demand this summer.''

Mr. ENZI. As prices continue to escalate, some would say we are in an energy crisis. We are at a point where we continue to see the global demand for energy increasing as countries such as China and India develop. At the same time, the demand increases, the Democratic Congress is not taking the steps to increase our domestic supply. Some of the policies we are seeing will have a detrimental effect on that supply.

The Energy Policy Act of 2005 included a number of important incentives for the domestic exploration of many new natural resource supplies. It aided in the production of affordable domestic energy. We are now seeing a number of proposals from the other side to repeal these important provisions.

In the 109th Congress, we attempted to pass important legislation to streamline the bureaucratic process that made it impossible to build an entirely new refinery, and that is what has been happening for the last 30 years. That legislation was repeatedly blocked at the expense of the American people, who continue to suffer as refiners struggle to keep pace through expansion. Supply and demand—you can buy the oil, but unless the oil becomes gasoline, you cannot use it, and unless it is in enough of a quantity of gasoline and enough of a supply, the price will go up. It will provide complications.

Since November, gasoline prices have increased almost 50 percent. The price of gas averaged $2.20 a gallon at the last election. Now the average is $3.15 a gallon. Part of that is the cost of a barrel of oil, but more of that is a reflection on the future and how unstable some of the world situations are. That is what fluctuates the price of a barrel of oil.

But the price at the pump is affected by the number of refineries we have and the number of regulations Congress puts on the gasoline we use. We saw a spike last month in the price of gasoline. That is the point at which the refineries had to shut down some of their production in order to change over to the requirements we put on for the summer fuel. When that happens, there is less supply, and prices go up. Since the changeover has been made, prices have come down slightly.

These are not positive trends and, unfortunately, there is nothing to indicate the Senate will be acting in a way to increase supply and improve the price of energy for the American people.

My State of Wyoming is an energy-producing State. We produce about a third of the Nation's coal. We produce a million tons of coal a day. We also have large natural gas fields. We are the only State in the Nation that is showing an increasing supply of natural gas. We also produce some oil. We have a significant amount of wind power. We have uranium. Because of a lot of Sun, I am seeing an increasing amount of solar power with each visit to Wyoming.

We have a diversified energy portfolio. We have an energy portfolio that recognizes that coal is the Nation's most abundant resource. In fact, my county has more Btu's in coal than Saudi Arabia has in oil. Our energy portfolio recognizes you can produce natural gas in an environmentally efficient manner. At the same time, our State's portfolio recognizes there is an increasingly important place for wind and other renewable resources. We are trying to do them all, but we cannot neglect the one we have the most of.

The policies on the other side of the aisle do not reflect this need for diversity. While they talk about the need to reduce our dependence on foreign energy sources, they repeatedly block efforts to produce our domestic resources. As they talk about the need to lower prices for consumers, they advocate policies that will make it more expensive to produce energy. As they talk about the need to increase our Nation's energy security, they vote against policies that will increase the use of our Nation's most abundant domestic energy source.

We are currently debating an energy bill. I want to commend Chairman BINGAMAN and Ranking Member DOMENICI for their work on this legislation. There is no question there are some positive provisions in the legislation. I do appreciate that it actually came through committee. I have not seen a bill that has just been brought to the floor, such as the immigration bill, that has ever made it through the process. So this one has a chance of making it through, and I am glad for that. The legislation will help develop biofuels technologies which will allow us to displace some of our Nation's traditional energy supply.

However, the legislation has many flaws, most clearly illustrated by the decision of Senate Democrats to block efforts by members of the Energy Committee who worked to incentivize a technology that can truly reduce our Nation's dependence on foreign sources. That technology is known as coal-to-liquids, and it is the process of turning our Nation's most abundant energy source—coal—into liquid fuels—incentives instead of stopping the process.

Coal-to-liquids technology is not new. The technology has been around since the 1940s, and there is no question it will be used today in a much better way than even in the 1940s. It would be used in the transportation markets, which is our biggest difficulty.

It can be transported in pipelines that currently exist. And, because it comes from coal—our Nation's most abundant energy source—it can be produced at home by American workers.

Coal-to-liquids plants are being developed in China. They are being developed in other major industrialized nations, but they are not being developed in the United States. I am concerned that, as we sit on the sidelines, other nations will take advantage of our inaction and our economy will suffer.

The amendment offered by Senators THOMAS and BUNNING that was blocked in the Energy Committee offered a tremendous opportunity to move coal-to-liquids forward. It was a tremendous opportunity to place more of our energy security in the hands of Americans and to take it out of the hands of Hugo Chavez of Venezuela and other oil barons who seek to do economic harm to the United States. Unfortunately, on a party-line vote, that effort was blocked and instead of debating a more comprehensive energy bill, we are debating one with a glaring weakness.

In addition to the decision to keep coal-to-liquids language out of the legislation, I am concerned that a number of other sections included in the bill make for good talking points, but not for good solutions. Although I understand and sympathize with the problems that high energy prices create for

families, creating a federal price gouging law is not the answer. The authority already exists for investigations into price gouging, and I am concerned that price gouging is simply a code word for ''price controls.'' Such a policy failed in the past and will fail in the future.

I also have concerns about the sections of the legislation that increase corporate average fuel economy standards, and I have concerns that this bill does nothing to address our lack of domestic energy production in areas where production is possible and environmentally responsible.

We are in a situation where our Nation's energy supply does not meet our Nation's energy demand, and, while we must work to reduce our consumption, we should also work to produce as much energy domestically as is possible.

Mr. President, I yield the floor.

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

Mr. CORKER. Mr. President, I rise today in support of America's energy security, and I wish to speak a moment about the bill that is before us and talk about some of the pluses it brings into our debate and also talk about some additions I think are very necessary.

I am very excited that the Energy Committee, which I am on, has passed out to this body a bill that talks about increasing the ability of our country to rely upon alternative fuels. I think we have set some very good goals in that area. I believe that is an excellent start to cause us to be less dependent on petroleum, to be far more dependent on biofuels in our country.

I know the State of Tennessee, which I proudly represent, will be a big part of making sure that happens. As a matter of fact, our State is working to make sure we are a substantial part of our country's goal in meeting these objectives.

I know cellulosic research is taking place in Tennessee and throughout the country, which will benefit all Americans in the process, as we take the pressure off corn-based ethanol, which is a big part of what we are doing in our country. I am so thrilled for the corn farmers and others across America who are playing a part in our energy future, but I know that cellulosic is going to be a big part of what we need to do to even increase our country's ability to produce alternative fuels.

I also know this bill we are contemplating does a great deal to focus on carbon capture and storage. It also allows our country to actually assess the various caverns throughout our country to really look at how much storage capacity our country has as it relates to storing CO_2 emissions in order to make sure we do no further damage to our environment.

I know this bill also really focuses on energy efficiency standards—something all Americans need to embrace. Certainly, the Federal Government needs to be a leader in that area, and this bill certainly contemplates that.

But let me say this: In a rush to do this—and I am, again, thrilled we have a bipartisan effort underway—I think we need not lose sight of the fact that overall our goal should be to certainly make sure whatever we do with energy policy raises the gross domestic product of our country over time, so these young people who are here as pages today have a future that is even brighter than it is today, that what we do certainly causes our country to have energy security so we are not dependent on regimes around the world that are not friendly to our country, and that whatever we do causes us to be environmental stewards, that we do not damage our country.

I want to tell you that I had the great privilege of spending time in Europe 2 weeks ago, looking at some of the energy policies some of our friends and allies have put in place. While on one hand I admire greatly their effort to do less damage to the environment, sometimes there are adverse consequences to what occurs. I think what we have seen over the short term is a greater dependence on fuel sources that will cause them to be in some ways more dependent on regimes that could not in some ways be friendly to their future.

I think we need to keep these things in balance. So while we look at alternative fuels that are going to be friendly to our environment and cause us to be less dependent on those that are not, I think we ought to also focus heavily, in this bill, on increased production. Here in America, we need to do our best to boost fuel supply by increased production. We need to increase our refining capacity. We really have not had major increases in refining capacity in this country since the 1970s. There are additions that are taking place.

I know many people are talking about the high price of gasoline. Certainly, one of the reasons for that is our country has a limited ability to actually refine petroleum in a way we can use it in our vehicles. That is something we as a country need to aggressively pursue.

The other thing we need to do in this bill—and I plan to offer an amendment to deal with this issue. In some ways, in this bill, in focusing on alternative fuels, we are trying to pick winners and losers. We are saying certain types of ethanol are the types of alternative fuels we need to be pursuing and those only. What I would like to do is add—and what I will do through an amendment, and hopefully, it will pass this body—is to cause the Senate to actually set standards, standards that cause fuels to be environmentally friendly, to emit less carbon, to emit less other types of pollutants, and at the same time be fuel efficient, to provide the amount of energy, if you will, that really meets the standards these other fuels do. So we hope to broaden that definition so the Senate itself is not defining specific fuels.

We have tremendous capabilities in our country through entrepreneurship. We have tremendous capabilities through coal-to-liquid technology that we can do in an environmentally friendly way. We have other types of technologies that are being developed. I think we as a country should set goals and standards and let entrepreneurs and the business community help fill the void to cause our country to be energy secure, to cause our country to help grow the GDP, and to cause our country to make sure what we do causes us to be environmentally friendly.

So we will be putting forth that amendment. I hope my colleagues will join me in helping us broaden these definitions so we can harness the very best we have in our country.

I yield my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. MCCASKILL). Morning business is closed.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Inhofe amendment No. 1505 (to amendment No. 1502), to improve domestic fuels security.

AMENDMENT NO. 1505

The PRESIDING OFFICER. Under the previous order, the time until 11:45 a.m. shall be for debate on amendment No. 1505, offered by the Senator from Oklahoma, Mr. INHOFE, with the time equally divided and controlled between the Senator from Oklahoma, Mr. INHOFE, and the Senator from California, Mrs. BOXER, or their designees.

Who yields time?

Mr. ENZI. Madam President, on behalf of Senator INHOFE, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. ENZI. Madam President, I rise to talk about the Inhofe amendment, which would increase the possibility that we could have increased refining in the United States. Refining of oil

produces more gasoline, and more gasoline will bring down the price of gasoline.

We can't have a serious discussion about energy without discussing the fact that it has been more than 30 years since the last oil refinery was built in the United States. There has to be a reason for that. Although a number of our Nation's refiners have worked on expansions, they simply can't keep up with the growing demand.

It is clear that something is wrong with a permitting process when it is so burdensome it prevents the construction of that which is so vital to our Nation. Because energy fuels our economy, we need to stop with the rhetoric and take some real action.

I have to tell my colleagues that I have faith in America. I have faith in the young people of America. I have faith in the inventors in America, who are of all ages. I am aware of a company in Sheridan, WY, named Big Horn Valve. They have been working on some refinery problems, including leaks in refineries, and they came up with a valve that doesn't have a knob that you turn on the outside of the pipe. Everything is internal in the pipe, and it has a special venturi nozzle in there that doesn't take up the entire inside of the pipe but can still flow as much oil as a flow pipe. The way it works is to turn it off magnetically; it twists and the two spots don't line up. Since it is completely internal to the pipe, there can be no leakage. It is just one small solution to some of the problems that can be solved.

I would mention that with the National Institutes of Health, we have faith in the inventiveness of people. We doubled the budget for research for the National Institutes of Health. I can tell my colleagues that today we have 654 cancer treatments in clinical trials. That is what happens when we incentivize people to come up with solutions.

We need to do that with energy. We are in the midst of a huge energy crisis. China recognizes it. China is buying every available fuel source they can get their hands on. My colleagues probably saw where they tried to buy a company in California. You have probably seen where they bought supplies in Canada. They know the future of the economy is requiring—requiring—energy, particularly fuel to transport things.

Senator INHOFE's amendment recognizes this fact, and it improves the permitting process for new refineries. It establishes an opt-in program for State Governors, requiring the Environmental Protection Agency to coordinate all necessary permits for construction or expansion of refineries. It provides participating States with technical and financial resources to assist in permitting, and it establishes deadlines for permit approval.

These vital changes will make it possible for new refineries to finally be built. They make those changes in a way that is environmentally sound. Opponents of this legislation suggest that is not the case and that environmental laws will be pushed aside. Those claims are false. The Environmental Council of States, which represents State departments of environmental quality, clearly stated in a letter that ''the Gas PRICE Act does not weaken environmental laws.'' That act is the one that is in Senator INHOFE's amendment.

In addition to this, the council, along with the National Association of Counties, acknowledged that the Gas PRICE Act streamlining provisions are in compliance with State and local governments.

If this were the only positive section of the Gas PRICE Act, it would be worthy of our support, but this legislation also addresses a second aspect that I believe is missing from the underlying bill. That aspect is the incentivizing of coal-to-liquids technologies.

As drafted, the legislation does nothing to advance the development of coal-to-liquids plants. That is the overall bill, not the amendment. As a member of the Senate Energy Committee, Senator Craig Thomas and JIM BUNNING worked hard to move this issue forward and offered an amendment during the committee's consideration of the biofuels legislation to set a blending requirement for coal-derived fuels at 21 billion gallons for the year 2022. Is it possible? Absolutely. Unfortunately, this amendment failed by one vote, and so it wasn't included in the bill.

The Gas PRICE Act addresses this vital issue by requiring the Environmental Protection Agency to establish a demonstration to assess the use of Fischer-Tropsch, diesel and jet fuel, as an emission control strategy. Furthermore, it provides incentives to the Economic Development Administration to build coal-to-liquid refineries and commercial scale cellulosic ethanol refineries at BRAC sites and on Indian land.

These important steps will help jump-start an industry that will help reduce our Nation's dependence on foreign energy barons. Coal is our Nation's most abundant source. As I mentioned earlier, we have more Btu's in my county in Wyoming alone than all of Saudi Arabia. Using coal to produce diesel and jet fuel will take our energy security out of the hands of Hugo Chavez in Venezuela and others who seek to harm our economic interests and put it back in the hands of American citizens.

I am pleased Senator INHOFE has offered this important amendment. It addresses two areas in which the legislation could be improved, and I urge my colleagues to support this approach.

The two areas are to make it possible to actually expand the number of refineries in the United States, and there are places in the United States where those can be built, and safely built. I also think there can be some inventions, such as I mentioned with Big Horn Valve, that will make the refining process much more capable and also environmentally better. But unless we can get rid of that single construction of refineries, we are going to have shortages of gas twice a year immediately, and more often in the future. I do have a lot of confidence that there can be not only coal to liquids, but coal to liquids with a little bit of invention can be done even better than other kinds.

We need to worry about the natural gas supply for this country. A lot of States are placing a huge emphasis on natural gas as the cleanest fuel, and it is. But there is only one State that is producing more natural gas than in previous years, and that is the State of Wyoming. That will not go on forever. If we use it to produce electricity, we are going to run out of natural gas. So those people across the country who are using natural gas to heat their homes should be particularly concerned.

I know one company was looking at having some peaking power for Rapid City, SD, and they were going to do it with natural gas. But the board of directors, as they looked at it, found out that the time they needed the peaking power was in the middle of winter when it was cold because people there use some electricity to heat with. But what they discovered was that the amount of natural gas to provide peaking power in winter in Rapid City would be an equivalent amount of gas to what the whole city of Rapid City uses to heat homes during that same cold spell.

A lot of natural gas has to be used if it is used to produce electricity. We can invent better ways to do that. We can come up with coal to liquids. We can increase our refineries. I hope we will find ways to encourage that rather than discourage that if we are going to truly have an energy policy.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, could the Chair give us the parliamentary situation this morning.

The PRESIDING OFFICER. The Senate is currently in a quorum call being equally divided between the two sides.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, it is my understanding now there is how much time remaining until the vote on the Inhofe amendment?

The PRESIDING OFFICER. The vote is at 11:45. The Senator's side has approximately 30 minutes remaining. The Republican side has approximately 21 minutes remaining.

Mrs. BOXER. Madam President, I rise to debate this Inhofe amendment and, in the strongest possible terms, make a few points to my colleagues.

When you strip it all away, this amendment is a giveaway—a giveaway to energy companies at a time when they have never had it so good, at a time when they have never made so much money. The CEOs are making $37 million a year; $16 million a year; Exxon, a $39 billion profit—billion-dollar profit; Shell, a $25 billion profit; BP, a $22 billion profit; Conoco-Phillips, $15.6 billion; and Chevron, over $17 billion. The CEO, Lee Raymond, of ExxonMobile, received a $400 million severance gift. Let me repeat that. One man received a $400 million severance gift, and the Inhofe amendment wants to give these people more. The Inhofe amendment wants to give these people more, even after, in the 2005 Energy bill, they already got their streamlined provisions. They already got what they needed.

Let me tell my colleagues what the Inhofe amendment does. It gives to those who have, and it gives to energy companies free public land—public land that belongs to the taxpayers of America. It gives them preference to get free public lands. Not only do they get the land free, but in the case of Indian land, they get 110 percent of their costs reimbursed to them. This is what we are doing in an Energy bill that is supposed to be good to consumers.

The underlying bill has many provisions in it. All those provisions are good for the American people, including fuel economy for our cars, solar energy on the building of the Department of Energy. We hope we will have a modest model project at the Capitol powerplant showing that we can, in fact, reduce the carbon emissions of coal. These are all bipartisan amendments.

Senator INHOFE tried to get a similar amendment to the one he is now proposing through the committee. When he controlled the gavel, he couldn't even get it out of the committee then, let alone now. So it gives to the oil companies, when they were taken care of in the Energy bill of 2005.

I am going to tell my colleagues what we did for them in 2005. The 2005 Energy bill has a provision, which is section 392, that allows States to request EPA to work with them and enter into an agreement under which EPA and the State will identify steps, including timelines to streamline the consideration of Federal and State environmental permits for a new refinery. Interestingly, even though this legislation exists, EPA said before my committee in October—actually, it was before Senator INHOFE's committee because he was chair at that time—that no State had asked EPA to use that provision of the law. So they got a streamlined procedure in 2005. They never took advantage of it. Now, Senator INHOFE is giving them more streamlining procedures, and he is exempting these energy companies from every single environmental law that was signed into law by Republican Presidents and Democratic Presidents.

Let me tell my colleagues the laws that are waived in the Inhofe amendment. I say to the American people: Listen to this because if ever we have unanimity about what is important to do for the health of our people, it is when Republican and Democratic Members of the Congress and Presidents sign these laws and pass these laws: The Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the National Environmental Policy Act, the Safe Drinking Water Act.

Those are a few examples of Federal laws which are cast asunder by this amendment. Who gets the benefit? Not the American Lung Association, which might, in fact, put in substantial precautions that the air is clean, but they give it to the most polluting industries in America: the refining and oil industries.

Senator INHOFE will say: Oh, we let the States pass these laws. We say they have to pass substantially equivalent laws. That is not defined. Why on Earth waive the laws that are the cornerstone of America's environmental protection under both Republican and Democratic Presidents? Why waive those laws? Do you think that little of America's families?

In my State, 9,900 people die every year from lung-related disease. And let's talk about some of the chemicals these refineries give off.

In 2005, refineries emitted over 68 million pounds of toxic chemicals, 3.8 million pounds of known cancer-causing substances, 2.5 million pounds of toxins that damage the reproductive system, and 6.8 million pounds of toxins that harm the development of children.

In California, communities that border refineries and chemical plants have high concentrations of childhood asthma. We should be working to make the air cleaner, not worse.

Let me review what I have said so far. This amendment has a name, and I am going to read you the name of this amendment. The title of this amendment is the Gas Petroleum Refinery Improvement and Community Empowerment Act. I ask, how is a community empowered by this amendment? The idea is to allow these new energy plants to go on Federal land that has been surplused. In California, we have had a lot of these lands, and, by the way, some of them have been redeveloped in the most wonderful way. Everybody is equal. There are no winners and losers. Here we are picking a winner, and the winner is one of the most polluting industries in America. They get the land free, and the community is left without anything. The Federal Government gets no money. That was the idea behind the Surplus Federal Lands Act. The Federal Government should get some money from the private sector. Oh, no, they get the land free, these energy companies. That is because they are hurting so much. They are hurting so much that we are going to give them the land free.

On Indian land, they get back 110 percent of their investment, so they actually make money without a penny of cost. Whoever votes for this amendment is voting for a giveaway of taxpayers' dollars. Whoever votes for this amendment is voting for an open-ended cost that isn't even stated in the bill.

Look at the last page of the bill, ''such funds as may be required.'' We know some of these energy plants will cost $4 billion for one plant. Let's say there are 100 pieces of Federal land that could be redeveloped. You do the math. We are busting the budget. You think the Iraq war costs a lot? Take a look at this. And who does the money go to? The same people who are charging us in California close to $4 a gallon for gas.

So you can stand up here and talk about it all you want, but the bottom line is, this is, in many ways, a socialistic bill, socialism: give away land to big business, give them the cost of the building, in some cases 110 percent reimbursement, waive all of the Clean Air Act, the Clean Water Act that protects the health and safety of our people, and who are the most vulnerable? Our moms and dads, our grandmas and grandpas, our children. Just ''Katy bar the door'' with the money. No problem. Oh, it is as if we are somehow in the black today when we have deep deficits today.

What an amendment to bring to the floor from my friend—my good friend—Senator INHOFE. A similar amendment went down in the committee when he had the gavel.

I say it is economic blackmail for communities that are losing a military base. It chooses an energy project over any other project they might want. I say to my colleagues, if they look at what these refiners are making, how well they are doing, we don't need to give them any more incentives.

I want to tell my colleagues a story about my State. Shell Oil owned a refinery in Bakersfield, CA. We all supported that refinery. It made 2 percent of the gasoline for the cars in California. Shell Oil announced they were shutting down the refinery. We begged them not to shut it down. Here is what they said to us in writing: We are losing money, and we are shutting it down because we can't find a buyer.

Lies, those were lies. How do I know that? Because we were fortunate enough to have an attorney general of California, at that time it was Bill Lokyer, who saw the books. The refinery was making a lot of money. We believe Shell Oil wanted to shut it down because they wanted to squeeze the supply—squeeze the supply. Guess what

else. When we caught them on that, they said: Oh, we are sorry, we made a mistake; we still can't sell the refinery.

We found buyers for the refinery. The attorney general made sure they advertised. They sold that refinery, and that refinery is up and running.

So we are going to give away to refineries, to energy companies in this bill—this amendment is all they could ever dream for. They don't have to pay attention to the Clean Air Act, the Clean Water Act, or the Safe Drinking Water Act. If my colleagues vote for this amendment, they are voting to open the checkbook to hundreds and hundreds of billions of dollars. It could be as high as a trillion dollars. Who knows how many of these people will take advantage of this opportunity.

What do we get? We get sick kids because this will waive all these environmental protections. And they are giving away to those who have.

I want to read again the amount of money some of these executives have made. Valero Energy, the top executive in 2005, William Greehey, took home $95.2 million. This is one person, folks—$95.2 million. Occidental Petroleum chief Irani took home $81 million in 2006. Oh, these poor people. Their businesses aren't doing good enough. We have to give them more. We have to make life easier for them.

What about the people who pay at the pump? That is why the underlying bill is so good because it has MARIA CANTWELL's antigouging law. By the way, the President has said he doesn't like the antigouging law. He might have to veto this entire bill. That shows you where people stand around here. Republicans want to give away to the oil companies, to the refiners, to the energy companies, and take away clean air protections from the people, take away land from the taxpayers, taxpayers' money to fund these projects. Count me out, and I hope count out the vast majority of the people here.

You can put any face on it. One thing that gets me is how the Republican side is supposed to be so fiscally responsible. Let's look at the last page of this amendment. They will tell you now how much they are going to pay for this bill. It is on the last page of this amendment. Here it is: ''Subtitle E—Authorization of Appropriations. There are authorized to be appropriated such sums as are necessary to carry out this'' amendment.

What does that mean? I already told my colleagues it costs $4 billion to build one of these energy plants—just one. It is 100 percent Federal pay on Indian land plus 10 percent on top of it, and 88 percent is the minimum number on Federal land that is not Indian land. You get the land, you get the cost back to build the plant, you get to waive all the environmental laws, and you get a streamlined process, which they already have the ability to get under the 2005 Energy bill.

This is a big kiss to the oil companies and the energy companies. This is a major hug. It would be better if we took this up on Valentine's Day. Well, count me out. I hope there is a resounding ''no.'' We don't know the cost. It is not told in this amendment. We don't know the impact on the people. It certainly is not told in this amendment. It picks winners and losers on Federal land. It doesn't protect our people.

Madam President, I yield the floor and reserve the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. I ask that the time be equally divided on that quorum call.

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

The Senator from South Dakota.

Mr. THUNE. We are not in a quorum call?

The PRESIDING OFFICER. We are not in a quorum call.

Mr. THUNE. Madam President, I wish to speak, if I may, to the amendment offered by my colleague from Oklahoma, Senator INHOFE. It is important that in this whole debate on the bill that we talk about the solutions that are important to this country's independence today on foreign energy and the need to get away from that and become energy independent and lessen our dependence on foreign energy and that we also talk about actions we can take that will lower energy costs for people in this country.

I appreciate the fact that the underlying bill has a number of provisions in it that are good. There are provisions in the bill I will be supporting. I have a series of amendments I will be offering that will improve the availability of renewable energy in this country.

I also wish to speak in support of amendment No. 1505 because I believe fundamentally it would greatly improve our Nation's stagnant oil refining industry, boost the development of coal-to-liquid technology, and accelerate the development of the next generation of biofuels.

As to the underlying amendment talked about by my colleague from California, first, there are no mandates in this bill. These are things the State can do. They can opt into this. Obviously, the incentives in this amendment do not go to oil companies, they go to State and local governments.

Frankly, this is an important point, that this is directed to areas that have been affected by base closures and also Indian reservations, which in my State are desperately in need of economic development. This is the type of economic development that will fit very well in a lot of places in South Dakota that qualify.

It is important this amendment be adopted. It does address a critical need in this country, and that is for more refinery capacity and the need in a lot of places, areas affected by base closure and Indian reservations, for economic development.

There are a lot of items this amendment would accomplish. It is important to point out that over the past 30 years, the petroleum industry has not added a single new oil refinery in the United States. The American public, I think, would find it startling that the largest petroleum consumer in the world hasn't seen one new refinery in the past three decades, which has created a devastating bottleneck in the delivery of transportation fuels to American consumers.

Fortunately, the Senate has an opportunity through this amendment to address that issue which is squeezing very hard the wallets of hard-working Americans across the country.

Amendment No. 1505, which is pending before the Senate, would enact important measures to boost domestic refining capacity and provide certainty for the industry and the public.

First, the amendment would set deadlines for refinery permit approval. For too long, proposed refinery projects have met slow deaths due to endless delays in the bureaucratic permit process.

Second, this amendment would provide States with much needed technical and financial resources to assist in refinery permitting. The process of refinery siting is time-consuming, complicated, and financially straining on State budgets that are already stretched thin.

This amendment also protects States rights by giving individual States the opportunity, as I said earlier, to opt in to a refinery permitting program. Contrary to what the opponents are saying, there are no mandates in this legislation. Participating States can voluntarily request the Environmental Protection Agency to coordinate all permits for construction or expansion of a refinery.

The importance of expanding refinery capacity to provide affordable and reliable supplies of transportation fuel cannot be overstated. I want to show a chart of something that was printed in BusinessWeek on May 3, 2007. This is what they said:

> Because of high costs and a lack of public support, refiners haven't built an entirely new plant since 1976. While they have been expanding existing plants, the industry isn't keeping pace with growing demand.

I would also like to show another chart of something that was printed recently in the Wall Street Journal, and it said this:

> The causes of higher gas prices include $65 per barrel oil caused by rising global demand and geopolitical tensions; a record high U.S. gasoline consumption of 380 million gallons a day; and refined gasoline shortages caused by Congressional rules and mandates.

Now, my constituents know this problem firsthand. Inadequate refining

capacity has a real impact at the local level, and I will give just a little anecdotal evidence here from South Dakota.

For the past month and a half, several key gasoline terminals in my home State of South Dakota were literally out of gasoline for multiple days at a time. Widespread outages were reportedly caused by limited supplies due to refinery shutdowns and routine repairs in other parts of the country. The ripple effects of this gasoline supply disruption were felt throughout the entire eastern part of my State. As the pipes ran dry and terminals emptied, gasoline wholesalers were forced to travel great distances and manage logistical bottlenecks at the few pipeline terminals with available refined product. In the meantime, gasoline prices soared at the retail level across South Dakota, and consumers in my State were forced to pay more at the pump.

The recent events in South Dakota are a prime example of the need to increase refining capacity in the United States. These events also underscore the need to move beyond petroleum for our transportation fuel needs.

The amendment offered by Senator INHOFE moves our country toward greater energy independence by providing Economic Development Administration grants for infrastructure improvements to accommodate cellulosic ethanol refineries at Base Closure and Realignment Commission sites and Indian lands.

As my fellow Senators are all well aware, the underlying bill includes a renewable fuels standard of 36 billion gallons by the year 2022. In order to meet this goal, we need to enact policies that dramatically increase the development and production of cellulosic ethanol.

By providing EDA grants that support cellulosic ethanol production in communities in need of economic development, amendment 1505 provides targeted rural and economic development and places our biofuels industry on course to reach the strengthened renewable fuels standard.

In addition to the EDA grants for cellulosic ethanol refinery development, this amendment includes a first-of-its-kind provision that may greatly enhance private sector investment in renewable fuels. This amendment will begin to assess our Nation's renewable reserves of biomass cellulosic ethanol feedstocks so that the public and energy companies have a realistic understanding of total U.S. renewable reserves. Energy companies' stock prices rise and fall depending on their declared proven reserves. This process, which has been in place since 1978, provides tremendous incentives for exploration, investment, and development of new sources of traditional hydrocarbons.

This straightforward amendment builds upon these proven market incentives by directing the Securities and Exchange Commission to research and report to Congress on the establishment of a renewable reserves classification system for cellulosic biofuels feedstocks in the United States.

The idea of a renewable reserves classification system was first discussed during an Agriculture Energy Subcommittee hearing I held in Brookings, SD, earlier this year. An expert witness from Ceres, Inc., an industry leader in the development of transgenic switchgrass seed for cellulosic ethanol production, testified that a standard means for measuring renewable reserves on a per-barrel-of-oil basis would greatly incentivize private sector investment in the next generation of advanced biofuels.

The President of Ceres, Inc., Richard Hamilton, describes the renewable classification system as:

> An independent metric by which energy companies, and the market, may measure renewable reserves in barrel-of-oil equivalents just as they measure proved reserves today.

He continues by stating:

> A renewable reserves classification system could well be the catalyst America's traditional providers of liquid transportation fuels require to invest in cellulosic biofuels technology and may be the Federal Government's least expensive way to hurry the cellulosic biofuels industry to maturity.

Certainly a proposal that could result in such a dramatic advancement in our biofuels industry is worthy of consideration by the Securities and Exchange Commission and is certainly worthy for inclusion in a bill that calls for a historic increase in renewable fuels production. If we are serious about advanced biofuels production, we must consider effective approaches, such as the amendment offered today by my colleague from Oklahoma, that would boost the production of advanced biofuels.

This amendment is important because, as I said earlier, it addresses a critical problem and shortage that we have in America today; that is, a lack of refinery capacity. We need more capacity. Now, frankly, it would be great if the folks I represent in South Dakota could get to their destinations by walking or riding bikes. Unfortunately, we have long distances to cover in my State. We have to drive automobiles, and we have to use fuel to power our automobiles. When you have a refinery problem like we have in America today, that limits the amount of gasoline that can be shipped through the pipeline to destinations in my State, and that drives the cost of gasoline higher and higher. Because of that shortage and because the wholesalers have to go to distant places to get it, it adds to the cost of our economy, and that affects the day-in and day-out lives of the people in my State of South Dakota and across this country who have to get to their destinations, whether it is to work or whether it is travel for recreation. The reality is that we cannot continue to abide $3.50 or $4 a gallon for gasoline, and we need to address what is causing that problem.

As I said earlier, I will be offering a number of amendments that will increase and advance the production of biofuels energy in this country because I believe so profoundly in its importance as part of our energy supply. But this particular amendment is critical as well because it addresses a fundamental problem that exists in America today; that is, a lack of capacity, refinery capacity, to make sure enough gasoline is making it to its destination, to places even as remote as South Dakota, so that the people who drive across my State can have access to affordable fuel to make sure they can get to the places they need to get to, and that the lack of affordable fuel does not choke our economy by continuing to force us to pay these exorbitant prices for gasoline.

So I support the amendment of the Senator from Oklahoma, amendment No. 1505, and I urge my colleagues here in the Senate to do so as well. It is important for a lot of reasons—because it brings economic development to areas that really need economic development, those areas which have been affected by base closures and Indian reservations—and because my State desperately needs that form of economic development and job creation. So I urge my colleagues to support this amendment.

Madam President, I yield the floor.

Mr. INHOFE. Madam President, I would inquire as to the time remaining on both sides, please.

The PRESIDING OFFICER. The Senator has approximately 9 minutes remaining, and the Democratic side has approximately 13 minutes remaining.

Mr. INHOFE. Madam President, I would like to go ahead and be recognized for a few minutes, and I would ask that the Chair stop me when there is 5 minutes remaining. I would like to remind the other side that our protocol or system is that the author of the amendment should conclude debate, so I would like to have the last 5 minutes.

First of all, I look at this and I listen to the arguments from the junior Senator from California and I hear the same things over and over again. Last night, we debated this at some length. Every time, she would make a statement, and we would respond to the statement.

Let me just put a chart up here. I think it is important for people to realize there are some choices. We are not willing to add to refinery capacity here in the United States. We have here the refining capacity and the growth of that refining capacity from other countries. We have Iran, Iraq, Libya, Nigeria, Russia, Saudi Arabia, Sudan, and Venezuela. It is bad enough we are dependent upon foreign sources for our ability to run this machine we call America, but these are not the kinds of countries you want to depend on. I am sure Chavez is not real excited about

helping us refine our oil into something that can be used for transportation.

I would like to cover a couple of the things the junior Senator from California has said, and I know what is going to happen: As soon as I do this, she will come back and say the same things over again, because we have heard these same arguments.

First of all, she says it is a disastrous amendment because it is a taxpayer giveaway to the oil companies; we don't have to give away the store to the oil companies. Well, the fact is that no money goes to any oil companies or, in fact, to any corporations in any way whatsoever. The only funding of the bill is financial and technical resources to a State or tribal department of environmental quality or funds to an economically distressed community affected by BRAC.

Let us keep in mind, when we talk about BRAC and Indian tribes, we have a lot of BRAC sites, and I can remember Members standing on the floor saying, during the base realignment and closure process: They are going to be closing some of the military installations in my State. Well, what is a logical thing you can do to replace the economic loss of a closed facility? It is to put—if we can encourage the local community to do it—a refinery there. You don't have to clean it up to the same standards you would have to clean it up otherwise. It is a logical thing. So those people who want coal-to-liquids and commercial-scale cellulosic ethanol facilities can have them.

It does authorize the EPA to initiate a new emissions control demonstration project, but it doesn't offer the oil companies anything.

The lack of sufficient refinery capacity in the United States is why we are experiencing high prices today. I think it is inconceivable that any Member of this body would come in and deny us, the United States, the right to expand our refinery capacity to do something about the supply problem we have and then turn around and say: Well, we don't want to be dependent on foreign countries for our ability to run this machine called America.

In this bill, in the underlying Energy bill, without this amendment, we don't really address the problem today. We talk about the future, and we talk about conservation. This is good, and we want to do this. We talk about standards for automobiles and all that. But people in my State of Oklahoma want to do something about the $3 a gallon for gasoline right now that is there.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. INHOFE. With that, I retain the remainder of my time, and 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. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Madam President, it is my understanding there will be equal time taken from each side in this case, so I would invite the majority to come in and make their remarks and would appreciate it; otherwise, I would be denied my opportunity to close debate on my amendment.

In the meantime, I ask unanimous consent that during the quorum call, the time be taken from the other side.

The PRESIDING OFFICER. In my role as a Senator, I will object.

Mr. INHOFE. Madam President, I understand what is customary; I am just saying that we are entitled to close debate.

Apparently, the Senator from California is not going to allow me to close debate. So let me just say for a few minutes here that I was going to go through every argument the Senator from California has made.

For example, first of all, I already did the first one where she talks about subsidizing oil companies. No corporation in America is being subsidized by this. She said also, we don't want to become a China, where they do not care about the people and how they suffer. We don't want to go there. Politicians are prone to hyperbole, but the junior Senator from California has reached a new level. Nowhere in this bill or any other I would consider would I seek to make the United States similar to China.

By the way, talking about China, one of the problems we are having right now is that while we do not have the refining capacity, they do. While we are not building generating plants, they are. While we have gone 15 years without adding a new coal-fired generating plant in the United States, China is cranking out one every 3 days.

The argument that was made was American families who want their health protected do not want us to waive every single environmental law that protects the quality of the air they breathe inside their bodies. They also do not want to waive any single environmental law. We are not doing that. We are not waiving any environmental laws with this bill.

Let me tell you something that is serious. I warn people right now, this is going to be considered to be maybe the most significant vote in the 2008 elections. For people to say we do not want America to have refining capacity when we have a bill that will allow them to have the refining capacity and increase the supply—the old theory of supply and demand still works—those people who will vote against this will forfeit your right to complain about the dependency on foreign oil. This is going to be a major, maybe the major campaign issue of the 2008 cycle.

I suggest we spent a lot of time on this bill. We do not have any money going to oil companies. We do allow the EDA to help communities that want to set up refineries in their communities.

Let's keep in mind, this is not just oil refineries. We are talking about oil refineries but also cellulosic biomass refineries, we are talking about coal-to-liquid refineries—all refineries to give us the availability of fuels for the transportation this country needs.

If we do not have that, the price of gas at the pump is going to continue to go up. I suggest this is going to be the critical vote, in terms of energy, for this entire legislative session. It is going to come back to haunt a lot of people in 2008. I know the Democrats are generally much more disciplined than the Republicans are. They will say you have to vote against this amendment, make up things such as you are helping oil companies, which you are not. Whatever the case is, the bottom line is they are going to be taking away our ability to increase the supply of gasoline to run our cars within America. This will be a major issue in the 2008 campaigns. I encourage people to do something about this problem and to vote for the Inhofe amendment expanding our refining capacity.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask that I be allowed to use 3 minutes from the time of the Senator from California.

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

Mr. BINGAMAN. Mr. President, I would like to speak briefly against the Inhofe amendment. I do believe there are several substantial problems with it. First of all, the underlying assumption is that the reason we do not have enough refining capacity in this country is we cannot find places to put refineries. That is not the reality. We have had various hearings in the Energy Committee. The companies that are engaged in refining oil into gasoline and other products are not short of places to put those refineries. They look at a whole variety of issues—the economics in particular—to determine whether to build new refineries or expand refining capacity. It is not a failure to have a BRAC military base or a failure to have an Indian reservation they can put these on.

The other thing is location. They need to locate refineries where the pipelines are. They need to locate refineries where the demand is. Clearly, that is not contemplated as part of this as well.

Another part that concerns me greatly is the notion that we would be making grants to support these projects which exceed the cost of the projects. That strikes me as very unusual. In the underlying bill, we do have some lien programs, where the Government will step in and guarantee 80 percent of the loan that is required to build a project, for example. We do not have anything similar to the provisions that are in this bill, which say the Federal share

for an EDA grant, under this program, shall be 80 percent of the project cost, assuming that the project is not on Indian land, and it will be 100 percent of the project cost if it is on Indian land, and, by the way, there can be an additional award in connection with the grant to the recipient of an additional 10 percent on top of that.

How it benefits the American taxpayer to pay 110 percent of the cost of one of these refineries I cannot see. So I think the amendment is flawed in several respects.

Obviously, we all want to see additional refining capacity built. I think what we need to be sure of is that the regulatory regime in place is such that it encourages and provides an incentive for the companies that are in the refining business to build that additional refining capacity. It is not efficient to say we, the Federal Government, are going to finance 100 percent of a project to an Indian tribe and they are going to go into the refining business; or we, the Federal Government, are going to provide 80 percent plus 10 percent, or 88 percent of the cost to some kind of local municipality and they are going to go into the refining business. That is not going to happen.

I urge my colleagues to oppose the amendment.

I yield the floor and reserve the remainder of Senator BOXER's time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Ms. CANTWELL. Mr. President, I rise to speak against this amendment. I have been listening to the debate. While I think it is very important we move forward in our country on a new energy policy and new direction, I think we must do so in a safe, responsible way. That is, whatever we are doing, we need to keep our environmental laws and processes in place: the Clean Water Act, the Clean Air Act, the Safe Water Act, the Conservation Resource and Recovery Act—all the things that are very important to our country and to our environment.

I think we are hearing a lot about refinery and refinery capacity. It reminds me of the electricity crisis we had in the West, starting in 2000–2001, when everybody blamed it on the fact the environmental laws stopped the ability to produce supply. When all was said and done, we found out it wasn't that; in fact, it was actually the manipulation of supply. So I think it is very important we move forward on new refinery capacity. In fact, in the last several years, there have been almost 140, either built or in the process of being built, new ethanol refineries. So they have had no trouble moving ahead, planning new economic development, job creation, and alternative fuel that is going to help deliver competition at the pump for fossil fuel.

In my State, a new biodiesel facility was undertaken and has been in the development stages. I think they will actually be producing and exporting that product sometime this year. They are going to produce 100 million gallons of biodiesel in this next year—20 years, 12 months. That is more capacity of biodiesel than was produced in the whole United States from a variety of sources.

This is a very aggressive effort of building alternative fuel refineries. Let's be honest, God only gave the United States 3 percent of the world's oil reserves, so the notion that somehow we are going to drill our way with fossil fuel to get off this foreign oil addiction is not going to happen. But we do not have to throw out our environmental laws to produce alternative fuel. We are in the process of doing alternative fuel.

If someone wants to meet all the environmental standards and build a new fossil fuel refinery, I am not opposed to that, but I want people to be aware that this is what is at the heart of this amendment, to throw out these environmental values that everybody else in America wants to live by if they want to have economic development. Why should the oil industry receive this particular privilege of waiving environmental statutes, just to have that benefit?

Let's keep in mind that alternative fuels are making those commitments, meeting those environmental standards, and have produced 140—either underway today or in the process, through the permit process—to develop 140 new alternative fuel refineries. That is progress in America and we should keep going. But we do not need this amendment to do that.

I ask unanimous consent that there be 6 minutes equally divided for debate, with Senator INHOFE controlling the final 3 minutes.

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

Mrs. BOXER. Mr. President, I was confused about the time. If I may make a parliamentary inquiry before my time proceeds: I thought I had 9 minutes left on my side; is that not the case?

The PRESIDING OFFICER. The Senator now has 6 minutes.

Mrs. BOXER. I have 6 minutes. OK. I hear you.

Mr. INHOFE. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding there was a unanimous consent agreement giving us 6 minutes equally divided, myself having the last 3; is that correct?

The PRESIDING OFFICER. There is an additional 3 minutes for each side.

Mrs. BOXER. An additional 3, so I would have 6, you would have 3.

Mr. President, yesterday Senator INHOFE repeatedly quoted Senator FEINSTEIN in a way that suggested she supports his amendment. He kept reiterating a statement she made about streamlining which had nothing to do with this amendment.

Senator FEINSTEIN has told me she opposes the Inhofe amendment. I think it is important that I make that point.

All you have to do is look at the title of this amendment: The Gas Petroleum Refiner Improvement and Community Empowerment Act. You ask yourself: OK. What are we giving the gas petroleum refiners that they do not have right now, that they did not get in the 2005 Energy bill, when they got all kinds of streamlining and everything they wanted and all kinds of money and all kinds of grants and the rest?

This is a giveaway to the people who are gouging us at the pump. That is the first point. Yes, life will improve for gas petroleum refiners, who have it very good.

Now, let's take the second part, the Community Empowerment Act. Your communities and mine and the communities in Washington State and, frankly, in Oklahoma and all over this country, I believe those communities will be hurt by this bill because it says there will be a giveaway to energy companies, a giveaway of taxpayer-owned land, former BRAC land, former federally owned lands that are now in the BRAC procedure.

A lot of communities want to sell these lands. They want to use these lands for economic development. They have plans for these lands, and yet this particular project of building an energy plant would take precedence over local control. It is Federal control from Washington.

I call this a socialistic amendment. Why do I say it is a socialistic amendment? It gives these big companies free land, and then it pays for the building of their energy plants. Can you imagine this? I see the chairman of the Budget Committee coming on the floor. I want to tell him one thing about this amendment because yesterday he talked to us Democrats in the Democratic caucus. I hope he doesn't mind if I say he really told us to use caution on these amendments.

What are they going to cost? Let me read to my friends the last line of this amendment: There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made. Now, we found out today, by asking the industry, how much one of those plants will cost.

The plant on Indian land—I know my friend is interested in that—would be reimbursed or given or paid for 110 percent of the cost of the plant in Federal tax dollars, $4 billion; the cheapest, $3 billion. That is one plant, not paid for here.

So I call it a socialistic amendment. You get the Federal taxpayer land, and then you get Federal taxpayer money to build your plant. And, by the way, all big environmental laws are waived. How does that help a community, Mr.

President? Picking a winner, telling them that priority has to be given to these sorts of plants, and, by the way, in case communities were concerned that the quality of the air might go down because they are near a refinery, this bill conveniently takes care of that problem by waiving the Clean Air Act, the Safe Drinking Water Act.

They say States can pass equivalent laws. But there is no reason that we should do that in America today. We have one Clean Air Act, we have one Safe Drinking Water Act, we have one Clean Water Act, and there is a reason: Water travels, air travels.

Republican Presidents and Democratic Presidents alike decided—and it really started under Richard Nixon—that we must protect the air and the water. This act gives everything away that taxpayers have, including the protection of clean air, including their funding.

Now, this particular vote is very important for people who care about clean air and clean water. I assume we all do. We all talk about it. We all say it is important. In my home State I lose in excess of 9,000 people every year because of particulate matter. I will not allow—I say this with all humility; it is not a show of power—something to get through this Senate that would, in essence, make the air worse, the drinking water worse. I cannot let this go while taking dollars out of the pockets of hard-working Americans, to give to whom? The biggest energy companies in the country.

Let me read to you what some of these companies made in the last couple of years: Exxon, $39 billion; Shell, $25 billion; BP, $22 billion; Chevron, $17 billion; ConocoPhillips, $15.6 billion.

Some of these companies earned 21 percent more than the year before, and, by the way, the year before that they earned 40 percent more.

Let's take a look at what some of the executives have earned. I would ask how much time remains?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Let's not give more to these people who are gouging us at the pump. Vote no on this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I understand that we have 3 minutes remaining to close debate on my amendment.

I have a hard time keeping a straight face when the Senator from California suggests I have a socialistic amendment. I would invite anyone who is entertaining any kind of joy in that statement to look at our record over the past many years. It is just humorous.

We have gone through listening to the same thing over and over and over again. We went through this yesterday for hours at a time. The Senator from California talks about subsidizing oil companies. Again, not one cent goes to any oil company. If we want to empower cities and communities to be able to take care of problems, maybe an economic problem that is due to the fact that they had to close a military base during the base realignment and closing process, we should be in a position to help.

I never stated that Senator FEINSTEIN—with endorsing this bill, she will be a good Democrat and oppose it with her junior Senator. I will say this. She said she recognizes we have a serious problem about having a refining capacity in this country, and about—I will just read it to you from her own press release: Today I urged Governor Schwarzenegger to help streamline the refining permit process in an effort to relieve gas prices in the State.

All right. She says we have to relieve gas prices by streamlining the process. That is exactly what happens in this amendment. We want that to happen. For anyone to suggest that there is anything in here that would hurt the environment, here we have the Environmental Council of States—that is all States—saying there is nothing in here that will hurt the environment. It will actually help the environment.

The Senator also said the Clean Air Act is going to be damaged, when, in fact, the underlying bill has language that would take the fuels system out from under the EPA and the Clean Air Act and put it in the President's power.

So we have all of these letters. Here is another one from Ceres, a big company in California that is a company that needs to have refining capacity. They do not touch oil. It is all cellulosic bioethanol. They want to have this capacity.

So the environmentalists, many of them are very much for this. It is a very strong bill. It goes right back to the initial argument of supply and demand. We have got some good things in this bill that are coming up. It is not affecting today's supply. All of the production in the world is fine, but we are not going to be able to do anything with that production unless we are able to refine it. That is exactly what we are talking about now.

I honestly believe every argument the Senator from California has put up we have responded to over and over and over again. She keeps coming back with the same argument.

I believe anyone who votes against the Inhofe amendment to the Energy bill should forfeit their right to complain about the dependency on foreign oil between now and the next election. I will say this also. I am glad to say this on the Senate floor because this way you cannot say we did not tell you. This is going to be one of the major issues in the upcoming 2008 election as to whether you want to increase our refining capacity to lower the price of gas in the United States of America. This is a chance to do it. I urge you to support the Inhofe amendment to the Energy bill.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. INHOFE. Mr. President, I ask unanimous consent that Senator CORNYN and Senator HUTCHINSON be added as cosponsors of my amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent,

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—43

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeMint	Martinez	

NAYS—52

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Clinton	Lieberman	Tester
Collins	Lincoln	Webb
Conrad	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murray	

NOT VOTING—4

Coburn	Johnson
Hagel	McCain

The amendment (No. 1505) was rejected.

Mrs. BOXER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1537 TO AMENDMENT NO. 1502

(Purpose: To provide for a renewable portfolio standard)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BINGAMAN, proposes an amendment numbered 1537 to amendment No. 1502.

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

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 1538 TO AMENDMENT NO. 1537

(Purpose: To provide for the establishment of a Federal clean portfolio standard)

Mr. MCCONNELL. Mr. President, on behalf of Senator DOMENICI, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. DOMENICI, for himself, Mr. CRAIG, Mr. BENNETT, Mr. CRAPO, Mr. GRAHAM, and Ms. MURKOWSKI, proposes an amendment numbered 1538 to amendment No. 1537.

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

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator REID of Nevada, Senator SALAZAR, and Senator CARDIN be added as cosponsors to my amendment that was recently sent to the desk.

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

Mr. BINGAMAN. Mr. President, I see the Senator from Pennsylvania is in the Chamber. I know he wishes to speak on another matter. I ask him how long he will need to speak, and maybe we could defer to him to make whatever statement he wanted.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I intend to speak on an amendment which has been filed and I thought would be offered at the present time, but Senator KOHL, the principal sponsor, wishes to offer it tomorrow. But I intend to speak on my amendment, and I would like 15 minutes.

Mr. BINGAMAN. Mr. President, I know Senator REED from Rhode Island also would like to speak for 15 minutes on the bill.

Mr. REED. Yes.

Mr. BINGAMAN. Mr. President, why don't we have that be the order then: the Senator from Pennsylvania have 15 minutes on his amendment, which is not pending but which he intends to offer later, and then Senator REED on the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from New Mexico.

AMENDMENT NO. 1519

Mr. President, I have sought recognition to speak on an amendment which has been filed, amendment No. 1519, which has an impressive list of sponsors: Senator KOHL, Senator LEAHY, Senator GRASSLEY, Senator BIDEN, Senator COBURN, Senator FEINGOLD, Senator SNOWE, Senator DURBIN, Senator BOXER, Senator LIEBERMAN, Senator SCHUMER, Senator SANDERS, and myself.

The thrust of this amendment is to make the OPEC nations—which have conspired to limit production—subject to our antitrust laws. What we have, simply stated, are a group of oil-producing nations, that get together that make agreements to limit production. Inevitably, by limiting the production of oil, and thereby limiting supply, the price goes up. The limited supply of oil is the major contributing factor to high gasoline prices. It is high time we acted on this matter.

The Judiciary Committee has approved this legislation on four occasions, most recently on May 22 of this year. In the 109th Congress, the legislation was passed out of the Judiciary Committee in which I was the chair, and it was included in the Energy Policy Act of 2005, but it did not survive conference.

Senator KOHL and I and the other sponsors intend to ask for a rollcall vote, which I think a substantial number of Senators will vote for the amendment. I hate to predict things in this body, but I think the vote will be substantial, and I think that ought to carry very substantial weight in conference.

The facts on the current price of gasoline are very troublesome. The high price of oil drives up other prices. The statistics are worth noting with particularity. The price of crude oil reached $65 a barrel yesterday. Americans are paying an average of $3.06 for a gallon of gasoline. Consumers are paying more for products because American companies are paying more to run their factories, which require the consumption of energy. Consumers are also paying more for products they buy that have been shipped by train or truck from somewhere else. Plane fares, bus tickets, cab fares often include significant fuel surcharges.

Economists have estimates that for every $10 increase in the price of oil, our economic growth falls by a half a percent. Our economy grew only by 0.6 percent in the first quarter of this year—the slowest growth rate since 2002. I believe a fair amount of that lag in economic growth can be attributed to the high price of oil.

For decades, the OPEC members have conspired to manipulate oil prices through production quotas that limit the number of barrels sold. OPEC again appears to be poised to manipulate oil prices by limiting supply.

The Secretary General of OPEC, Abdullah al-Badri, recently threatened to cut investment in new oil production in response to plans announced by the United States and other Western countries to use more biofuels. He warned that cutting investment in new production would cause oil prices to ''go through the roof.''

Well, we do not have to tolerate threats of that sort. We have the wherewithal to deal with this issue in a constructive way through the antitrust laws.

Regrettably, the history of litigation in this field has allowed OPEC nations to avoid antitrust liability by asserting the doctrine of sovereign immunity. In the decision of International Association of Machinists v. OPEC, the U.S. District Court for the Central District of California held that OPEC activity was ''governmental activity'' rather than ''commercial activity'' and therefore was not subject to the U.S. antitrust laws.

On appeal, the Ninth Circuit affirmed the district court's dismissal, holding that the ''act of state'' doctrine precluded the court from exercising jurisdiction in the case. The ''act of state'' doctrine precludes a federal court from hearing a case that requires it to rule on the legality of the sovereign acts of a foreign nation.

Well, those rulings are matters which can be changed by legislation. The legislation to make this change, I submit, is fundamental and very much in our national interest and ought to be undertaken.

The lawsuits would have to be initiated, under our proposed legislation, by the Department of Justice. As a result, the Administration would provide a check on when to initiate a suit, avoiding diplomatic disputes. But it is a fact we have deferred too long to the practices of Saudi Arabia and practices of the OPEC oil nations out of fear of retribution, and we ought not to kowtow to them anymore.

The possibility of subjecting the OPEC nations to antitrust liability has long been an interest of mine. I wrote to President Clinton on April 11, 2000, urging the administration to file suit in the Federal court under the antitrust laws in an effort to overturn the previous decisions, which I think were wrongly decided.

I ask unanimous consent that the text of this letter be printed in the RECORD at the conclusion of my comments.

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

(See Exhibit 1.)

Mr. SPECTER. Mr. President, then I wrote to President Bush on April 25, 2001, with a similar request, that litigation be initiated by the administration to hold OPEC nations liable under the antitrust laws.

Again, I ask unanimous consent that the text of that letter be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 2.)

Mr. SPECTER. We have the authority to change the laws. We have a responsibility to protect American consumers from these predatory practices, from these conspiracies in restraint of trade, these cartels. I urge my colleagues to take a close look at the legislation.

As I noted earlier, the amendment will be formally offered tomorrow.

I thank the Chair, yield back the remainder of my time, and yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 11, 2000.

President WILLIAM JEFFERSON CLINTON,
The White House
Washington, DC.

DEAR MR. PRESIDENT: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based, perhaps, upon an advisory opinion under ''the general principles of law recognized by civilized nations,'' which includes prohibiting oil cartels from conspiring to limit production and raise prices.

(1) A suit in Federal district court under U.S. antitrust law.

A case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a ''conspiracy in restraint of trade'' in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration should consider suing OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an ''injury'' to U.S. ''property.'' After all, the U.S. government is a major consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp*, 442 U.S. 330 (1979), the Supreme Court held that the consumers who were direct purchasers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since ''a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act].'' Indirect purchasers would appear to be precluded from suit, even in a class action, under *Illinois Brick* v. *Illinois* 431 U.S. 720 (1977), but this would not bar the United States Government, as a direct purchaser, from having the requisite standing.

One potential obstacle to such a suit is whether the Foreign Sovereign Immunities Act (''FSIA'') provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, there has been a ruling on this issue in only one case. In *International Association of Machinists* v. *OPEC*, 477 F. Supp. 553 (1979), the District Court for the Central District of California held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaging in ''commercial activity'' or ''governmental activity'' when they cooperate to sell their oil. If they are engaging in ''governmental activity,'' then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in ''commercial activity,'' then they are subject to suit in the U.S. The California District Court held that OPEC activity is ''governmental activity.'' We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in Int. Assoc. of Machinists in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the ''act of state'' doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that ''The [act of state] doctrine does not suggest a rigid rule of application,'' but rather application of the rule will depend on the circumstances of each case. The Court also noted that, ''A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition.'' The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

You should also examine whether the anticompetitive conduct of the international oil cartel is being effectuated by private companies who are subject to the enforcement of U.S. antitrust laws (for example, former state oil companies that have now been privatized) rather than sovereign foreign states. If such private oil companies are determined to in fact be participating in the anticompetitive conduct of the oil cartel, then we would urge that these companies be named as defendants in an antitrust lawsuit in addition to the OPEC members.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations,'' which includes prohibiting oil cartels from conspiring to limit production and raise prices.

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the ''ICJ'') at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate ''the general principles of law recognized by civilized nations.'' Under Article 38 of the Statute of the ICJ, the Court is required to apply these ''general principles'' when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights. For example, as of December 1, 1999 the Yugoslavia tribunal alone had handed down 91 public indictments.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. Recently, the exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

The emerging scope of international law was demonstrated in an advisory opinion sought by the U.N. General Assembly in 1996 to declare illegal the use or threat to use nuclear weapons. Such an issue would ordinarily be thought beyond the scope of a judicial determination given the doctrines of national sovereignty and the importance of nuclear weapons to the defense of many nations. The ICJ ultimately ruled eight to seven, however, that the use or threat to use nuclear weapons ''would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.'' The fact that this issue was subject to a decision by the ICJ, shows the rapidly expanding horizons of international law.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official ''Recommendation'' that all twenty-nine member nations ''ensure that their competition laws effectively halt and deter hard core cartels.'' The recommendation defines ''hard core cartels'' as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries ''to cooperate with each other in enforcing their laws against such cartels.''

On October 9, 1998, eleven Western Hemisphere countries held the first ''Antitrust Summit of the Americas'' in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention ''to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation.'' The communique further expresses the intention of these countries to ''cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws.'' One of the countries participating in this communique, Venezuela, is a member of OPEC.

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. Consideration of such legal action could provide an inducement to OPEC and other oil-producing countries to raise production to head off such litigation.

We hope that you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
HERB KOHL.
CHARLES SCHUMER.
MIKE DEWINE.
STROM THURMOND.
JOE BIDEN.

EXHIBIT 2

U.S. SENATE,
Washington, DC, April 25, 2001.

President GEORGE WALKER BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the energy crisis and the high prices of OPEC oil, we know you will share our view that we must explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations.''

(1) A suit in Federal district court under U.S. antitrust law.

A strong case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a ''conspiracy in restraint of trade'' in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration has the power to sue OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an ''injury'' to U.S. ''property.'' After all, the U.S. government is a consumer of petroleum products and must now pay higher prices for these products. In *Reiter* v. *Sonotone Corp*, 442 U.S. 330 (1979), the Supreme Court held that the consumers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since ''a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act].''

One issue that would be raised by such a suit is whether the Foreign Sovereign Immunities Act (''FSIA'') provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, only one Federal court, the District Court for the Central District of California, has reviewed this issue. In *International Association of Machinists* v. *OPEC*, 477 F. Supp 553 (1979), the Court held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in *Int. Assoc. of Machinists* turned on the technical issue of whether or not the nations which comprise OPEC are engaging in ''commercial activity'' or ''governmental activity'' when they cooperate to sell their oil. If they are engaging in ''governmental activity,'' then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in ''commercial activity,'' then they are subject to suit in the U.S. The California District Court held that OPEC activity is ''governmental activity.'' We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

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The 9th Circuit itself acknowledged in its *Int. Assoc. of Machinists* opinion that ''The [act of state] doctrine does not suggest a rigid rule of application,'' but rather application of the rule will depend on the circumstances of each case. The Court also noted that, ''A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition.'' The Court then quotes from the Supreme Court's opinion in *Banco National de Cuba* v. *Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990's have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

(2) A suit in the International Court of Justice at the Hague based upon ''the general principles of law recognized by civilized nations.''

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing case against OPEC before the International Court of Justice (the ''ICJ'') at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate ''the general principles of law recognized by civilized nations.'' Under Article 38 of the Statute of the ICJ, the Court is required to apply these ''general principles'' when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. The exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official ''Recommendation'' that all twenty-nine member nations ''ensure that their competition laws effectively halt and deter hard core cartels.'' The recommendation defines ''hard core cartels'' as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries ''to cooperate with each other in enforcing their laws against such cartels.''

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of these countries to ''cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws.''

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way.

We hope that you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
CHARLES SCHUMER.
HERB KOHL.
STROM THURMOND.
MIKE DEWINE.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Rhode Island.

Mr. REED. Mr. President, energy is the lifeblood of our economy. It is fundamental to powering our homes, businesses, manufacturing, and the transportation of goods and services that are vital to America and the world economy. But the fossil fuels our country currently relies on are unsustainable. Our Nation's addiction to oil is threatening our national security and dramatically changing the climate in which we live.

Setting America on a course of greater energy self-reliance is one of the most significant foreign policy, economic, and environmental challenges we face as a Nation.

Senators BINGAMAN, DOMENICI, INOUYE, and STEVENS have put a great deal of effort in developing this Energy bill, and it is an excellent first step. The bill will improve our Nation's energy efficiency, protect consumers from price gouging, increase vehicle economy standards, and decrease our reliance on oil, especially from unstable regions of the world.

President Bush admitted we are addicted to oil. But for the last 6 years, neither he nor the Congress was willing to take real action to change that fact. I commend Senator HARRY REID for bringing this legislation to the floor.

For the first time in 30 years, the Senate is now poised to pass legislation to increase vehicle fuel standards. I commend particularly Senators FEINSTEIN and DURBIN and SNOWE for their work on this issue. I was glad to be an original cosponsor of the ten-in-ten bill, which is the basis of the bipartisan compromise in the legislation we are considering today.

The debate about fuel economy standards should be over. We have the technology to get well beyond 35 miles per gallon, and the American public supports an increase in fuel efficiency standards. The time for action is long overdue, and I hope my colleagues will resist efforts to weaken these standards.

We have an opportunity to create a new energy future for the country. That future would strengthen our national security by making us more self-reliant and slow the impacts of global warming on our climate by investing in energy efficiency, renewable energy, and biofuels. I do not believe we can drill or mine our way to energy independence. Increasing the importation of foreign oil and natural gas is not the answer. Developing more nuclear power, given its price, legacy, cost, and safety threats, remains very problematic. Investing in energy efficiency and renewable energy is a win-win situation. These investments offer short-term and long-term solutions to strengthen our national security by reducing our energy consumption and making us less reliant on oil from unstable regions of the world. It enhances our economic competitiveness by creating American jobs in this new green economy, and it will protect our environment by reducing our carbon footprint.

Sixty percent of the oil consumed by Americans comes from abroad. While Canada and Mexico are our top suppliers, OPEC nations hold the cards in a global oil market, and a portion of the money we spend on oil undoubtedly finds its way into the hands of unstable and unfriendly regimes. Two-thirds of the global oil reserves are in the Middle East, and more than 75 percent of global oil production is already in the hands of state-controlled oil companies. With growing global demand and limited remaining oil supply, many countries, including our allies and trading partners, will compete with us for finite oil supplies as their and our own economy rely more heavily on imports. This will inevitably stress the delicate balance that exists among national interests in the world, and it gives oil-rich nations disproportionate leverage in the international arena. Al-Qaida and other terrorist networks have openly called for and carried out attacks on oil infrastructure because they know oil is the economic lifeline of industrial economies, especially the United States.

Today, we have an opportunity to shift the balance of power around the globe that is dictated by oil. Our first step is to strengthen our national security by increasing CAFE standards.

Raising fuel economy standards is an essential insurance policy against the risk of oil dependence and global warming, which pose vital threats to our national security. Fuel economy standards have proven effective at reducing our demand for oil, but they have been stagnant for more than a decade, despite advances in vehicle technology. The fact that our industrial competitors are increasing mileage standards underscores how we have been lagging behind the world economy in terms of technology, in terms of applying that technology through increasing the standards for automobiles in our country. Achieving a 35-mile-per-gallon fuel economy over the next decade, the equivalent of the 4-percent-a-year improvement called for by President Bush, is achievable. Beginning in 2011, this bill requires the National Highway Traffic Safety Administration to annually increase the nationwide average fleet fuel economy standards for cars and light trucks to achieve a standard of 35 miles per gallon by the year 2020. By 2020, the bill would reduce our Nation's oil dependence by approximately 1.3 million barrels per day, and in that year alone will save consumers $26 billion, and global warming emissions will be reduced by over 200 million metric tons. These savings will continue to increase each year, year after year.

This is the best investment we can have, I believe, in both national security and improved environmental quality, not just for us but for the world.

Strong mileage standards will also make us more competitive. According to the University of Michigan Transportation Research Institute, U.S. automakers could increase revenues by $2 billion and save between 15,000 and 35,000 jobs for autoworkers if we improve gas mileage. Higher fuel efficiency standards will help U.S. automobile manufacturers to better compete in the global marketplaces. The pricetag of our oil dependence is also not sustainable. According to a Department of Defense report:

> The United States bears many costs associated with the stability of the global oil market and infrastructure. The cost—

According to this report—

> of securing Persian Gulf sources alone comes to $44.4 billion annually for the United States.

We are literally policing the world oil market for the benefit of the world economy, with great cost in terms of dollars but also in terms of the huge pressure on our military forces and their families.

We lose $25 billion from our economy every month, and oil imports now account for nearly a third of the national trade deficit because of our dependence on oil. The economy is exposed to oil price shocks and supply disruptions, and families are feeling the pinch of oil prices. High energy prices reduce consumer spending power and affect businesses' bottom lines.

Millions of petrodollars are being exported out of U.S. cities and counties to pay for energy with a real effect on local economic vitality. In Rhode Island, my home State, gas prices have increased by $1.50 per gallon, an increase of 99 percent, since 2001. Households in Rhode Island are paying $1,430 more per year for gasoline than in 2001. So for the State economy, this means that families, businesses, and farmers in Rhode Island will spend $52.4 million more on gasoline in June 2007 than they spent in January 2001, and $600 million more will be spent on gasoline this year than was spent in 2001, if prices remain at current levels. Rhode Island residents, farmers, and businesses are on track to pay $1.2 billion for gasoline this year. That is an extraordinary drain on the economy of my State and on States throughout this great Nation.

If we have a policy that increases CAFE standards and energy efficiency and makes sensible investments in renewable fuels, we will have more funds

to invest in education, health care, public works, and business development. My State, like so many States, is struggling with a budget problem, a huge State budget problem. Some of that can be attributed directly to the higher cost of fuels to run schools, to run buses, to run the infrastructure of our State. We could take that money, save it, and invest it in education, in schools, and not simply ship it overseas through major international oil companies.

Energy efficiency and renewable energy programs that improve technologies for our homes, our businesses, and our vehicles must be the ''first fuel'' in the race for secure, affordable, and clean energy. Energy efficiency is the Nation's greatest energy resource. We now save more energy each year from energy efficiency than we get from any single energy source, including oil, natural gas, coal, and nuclear power. We need to use energy in a way that saves money. It is much cheaper to conserve energy and increase efficiency than to build further energy infrastructure in the country.

The Senate bill contains important provisions to support energy efficiency. First, it sets new energy benchmarks for appliances, including residential boilers, dishwashers, clothes washers, refrigerators, dehumidifiers, and electric motors. These seem like very mundane, trivial items, but if we can make even small increases in their efficiency, it has a huge macroeconomic effect on our society in terms of demand for energy, and this legislation will help us do that and point us in that direction. According to the American Council for an Energy Efficient Economy, increasing these standards will give consumers more than $12 billion in benefits, save more than 50 billion kilowatt-hours per year in electricity, or enough to power 4.8 million typical American households. The bill also strengthens energy requirements for the Federal Government. Today, the Federal Government spends more than $14 billion a year on energy. Increasing efficiency will save energy and taxpayer dollars. That is something we have to begin ourselves, leading by example at the Federal level.

The bill also increases the authorization level for the Weatherization Assistance Program and the State Energy Program. The State Energy Program improves the energy efficiency of schools, hospitals, small businesses, farms, and industries to make our economy more efficient.

The Weatherization Assistance Program helps low-income families, the elderly, and the disabled by improving energy efficiency of low-income housing. Weatherization can cut energy bills by 20 to 40 percent in each assisted home. This represents savings that families can use to pay for other necessities, while reducing the Nation's energy demand by the equivalent of 15 million barrels of oil each year. It lowers our national demand for energy, helps individual families, which is another win-win program we must support more vigorously.

The program weatherizes approximately 100,000 homes each year. Since its inception, the program has weatherized over 5.6 million homes. Weatherization has also grown an energy efficiency industry for residential housing that, according to the Department of Energy, employs 8,000 people who work in low-income weatherization alone. This has been a great success. Again, lowering the cost to families, lowering the national demand, and putting people to work is a good formula for our economy today.

Unfortunately, the Department of Energy's fiscal year 2007 spending plan cut funding to the weatherization program, and the administration, unfortunately, has a situation in which efficiency funding has fallen alarmingly since 2002. Adjusting for inflation, funding for energy efficiency has been cut by one-third. We have to do better. In the face of soaring prices, in the face of international threats posed by oil powers, we are cutting programs that are efficient, effective, and help families, and that is not only wrong, but it is terribly wrongheaded.

A strong renewable electricity standard is also needed to diversify our fuel supply, clean our air, and better protect our consumers from electricity price shocks. I am glad to join Senator BINGAMAN in supporting an amendment to the bill to require a 15-percent renewable electricity standard by 2020. This amendment will promote domestically produced clean energy, reduce U.S. greenhouse gas emissions, reduce energy costs for American consumers and businesses, and create American jobs.

According to the Union of Concerned Scientists, a 15-percent RES would save the residential, commercial, and industrial sectors $16.3 billion in electricity and natural gas costs. These savings are particularly critical for energy-intensive industries such as manufacturing. The RES will also create jobs in manufacturing. A recent study by the Apollo Alliance and the Urban Habitat found that renewable electricity creates American manufacturing, construction, and maintenance jobs. For every megawatt of solar photovoltaic electricity generated, about 22 jobs are created, which is their projection. Geothermal energy creates 10.5 jobs per megawatt, and wind energy creates 6.4 jobs per megawatt. American energy-intensive industries that are saving $5 billion through 2023 will be more competitive in the global market. Using clean, domestically produced power will also help stabilize prices, allowing businesses to more accurately budget for energy costs. This RES, the proposal of Senator BINGAMAN, will also lower U.S. carbon dioxide emissions by nearly 2 million tons per year by 2020.

Finally, the RES is important to our national security. In July 2006, the National Security Task Force on Energy published a report recommending several measures to improve energy security in the 21st century, including a national RES of 10 to 25 percent. Consumption of natural gas is growing at a faster rate than for any other primary energy source, and it is growing in all sectors of the economy. Families heat their homes with natural gas, businesses use natural gas to produce products, natural gas vehicles are becoming more common, and power producers generate cleaner energy with natural gas. Similar to oil, demand is growing faster than available supplies can be delivered, and the tightening in supply and demand is resulting in dramatic price volatility. One way to increase the natural gas supply in the United States is through liquefied natural gas, known as LNG. Again, however, we would do well to learn from our lessons with oil. One-third of the world's proven reserves of natural gas are in the Middle East, nearly two-fifths are in Russia and its former satellites, and Nigeria and Algeria also have significant reserves.

Political stability and terrorism are very real threats to these countries being a reliable source for natural gas. Russia is trying to create an OPEC-style cartel for natural gas, which could manipulate natural gas prices and supply, and that would be a very unfortunate development.

For over 30 years, through four different administrations, Americans have been promised that our Government would end the national security threat created by our dependence on foreign oil. As a country, we need to move in a new direction toward a clean and secure energy future. This effort must include greater investment in energy efficiency, a strong renewable electricity standard, and increased vehicle fuel economy standards. Also, as we dramatically increase biofuel production, we must ensure that it does not cause harm to the environment and public health.

Energy security starts with using the fuels we have more efficiently. Smart energy use is a resource not vulnerable to terrorism or world politics, and I think this legislation is a step forward for smart energy use. I commend Chairman BINGAMAN for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

IMMIGRATION

Mr. DORGAN. Mr. President, I wish to say a word this morning about a column that was printed in the Washington Post this morning on the op-ed page that was taking the majority leader of the Senate to task, and doing so, I think, unfairly and certainly inaccurately.

The column criticizes the majority leader for saying the Senate's time was ''too precious'' to expend on what would have been unlimited debate on an unlimited number of Republican amendments to the immigration bill.

The intent of this column in the newspaper is to say that the majority leader was responsible for failing to allow consideration of the immigration bill.

I don't know what Mr. Will, who wrote this column, was watching last week. I know Paris Hilton was being taken back and forth between her house and the sheriff's office and court and jail, apparently, and the country must have been riveted on that story. But C–SPAN would have availed a columnist of a pretty good look at what the Senate was doing, and not just for last week but for 2 weeks the Senate dealt with the subject of immigration.

I happen to come to a different conclusion on that subject than the majority leader. I know who supports that legislation, and he has supported that legislation. I watched the last day of consideration when the majority leader came to the floor and offered a proposal where each side would get four amendments. That was objected to. He then proposed that each side would get three amendments. That was objected to. Each side would get two amendments. That was objected to.

I don't have the foggiest idea why Mr. Will would write a column suggesting somehow the majority leader was responsible for that not going forward after 2 full weeks of debate and being blocked in every circumstance of having additional amendments considered.

But what brought me to the Senate floor is not my support of consideration or further consideration of the immigration bill, but the charge that the majority leader was somehow responsible for scuttling it. That is not the case, No. 1. And, No. 2, Mr. Will says in his column that, in fact, it was taken off the floor in order to bring up legislation that would quintuple the mandated use of corn-based ethanol, apparently upset about the fact that we have an energy bill on the floor at this point that would dramatically increase the use of biofuels, corn-based ethanol and also cellulosic and other approaches because we believe we need to find somehow, some way, some point, someday to become less dependent on foreign sources of oil.

Over 60 percent of the oil we use in this country we obtain from troubled parts of the world overseas—60 percent of it and it is growing: the Saudis, the Kuwaitis, Venezuela, Iraq, and the list goes on. If tomorrow, God forbid, somehow that source of oil would be shut off to our economy, this economy, this American economy would be flat on its back. We need to become less dependent on foreign sources of oil. We use 70 percent of the oil we bring into this country in our vehicles. We run them through the carburetors and fuel injectors of our vehicles.

We are doing a lot with this legislation. We haven't had an increase in the efficiency standards for vehicles for 25 years, and the auto companies, I know, object to that. They objected to seatbelts. They objected to airbags. They have given us better cupholders. They have given us better music systems. They have given us keyless entry. But they haven't in 25 years given us greater efficiency, and they should. That is in the bill.

We also increase the supply of alternative energy with renewable fuels called the biofuels, ethanol, corn-based ethanol; yes, cellulosic ethanol, yes. If Mr. Will and others think that is irrelevant, they miss the point. This country doesn't have a choice. We must find a route to be less dependent on foreign sources of oil.

One approach, in my judgment, is to make the vehicles more efficient. Another approach is to produce renewable fuels. I was the author of the only standard that exists for renewable fuels, a 7.5-billion-gallon-a-year standard. We did that 2 years ago. I think we are at 7.5 billion gallons already. We were hoping to get there by 2012. Now we have a bill that will take us to 36 billion gallons of renewable fuels. As a measurement, we use 145 billion gallons of fuel a year. We want to go to 36 billion gallons of renewable fuels that we can grow in our farm fields, among other things.

It is easy to write a column, I guess. If the ink is inexpensive, you can say anything you want. This is not an accurate reflection of two things. No. 1, it is not an accurate reflection of the immigration bill, and it is not an accurate reflection, in my judgment, of the merits of biofuels to extend America's energy supply.

While I am up, I want to make one more point. There are others who talked about the amendment I offered to the immigration bill suggesting that somehow it would have been responsible for killing the bill. I want to describe it very briefly.

The immigration bill was put together in a room by a group of people who said: Here is what we think we should do to deal with immigration. The proposal was put together in a room by some 14 Senators, which meant that 86 others were not involved. So the product was brought to the floor of the Senate, and we were told: If you have a different idea, the group of 14 are going to oppose it. That group of 14, or whatever it was, creating a grand compromise, they had a responsibility to oppose anything that the rest of the 86 Members of the Senate believed could add to or improve the bill.

Among other things, the bill provided a temporary worker provision which said there are millions of people outside this country—400,000 a year originally, 2 years on, 1 year back to their home country, 2 years back, 1 year back to their home country, 2 years back a third time. My colleague from New Mexico reduced that to 200,000 a year. But it was ultimately the same circumstance. It would have been a massive number of new people who don't now live here who would have come in and taken jobs in this country. I did not support that guest worker program. I believe at least we should sunset it after 5 years to evaluate the consequences, what impact it has had on our country. Has it had an impact of downward pressure on wages, which I think it will have, which I don't support? Has it had an impact of bringing in a lot of immigrants who will not leave afterward and, therefore, be here without legal authorization? If so, should we consider that issue and how to deal with it?

I think these are very complicated issues, and the guest worker program should be sunsetted after 5 years. My amendment won by one vote, and then it was as if the sky was falling. This is going to kill the bill, they say. I don't agree with that at all. I just don't agree.

As I have indicated many times, they brought that out here suggesting that anything that was done that would change it would kill the bill. Again, it is the argument we hear all the time: the lose thread on the cheap sweater; pull the thread, the arms fall off.

I come back to this point that I think the column today is unfair to the majority leader. It unfairly suggests that he is the responsible party for not moving forward on immigration. We spent 2 full weeks on immigration. It wasn't incomplete because of anything the majority leader did. He is the one who brought it to the floor in the first place.

Second, it is unfortunate—certainly well within the columnist's right, but unfortunate—to suggest that somehow renewable fuels cannot play a significant part in this country's energy future. That is a significant part of this bill. Senator BINGAMAN, Senator DOMENICI, myself, and many others have worked on renewable fuels for a long while. We set a standard that I think is going to be very exciting for this country to meet, and I think it will reduce our dependence on foreign sources of oil, will make us much less dependent than we are now, and I think it will advance this country's security and energy interests.

I am pleased to be a part of that effort and support it and felt especially that I ought to say a word in response to this column that I think unfairly treats the issue of biofuels.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1605 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CONRAD. Mr. President, I rise today in support of bold action on energy policy for this country. I am pleased and indebted to the chairman of the Energy Committee for his leadership. I think all of us know our country faces serious energy challenges. The most pressing is the fact that our Nation is far too dependent on foreign oil.

For example, we currently import roughly 60 percent of the oil we consume. You can see that in 2006, 60 percent of our oil came from imports; only 40 percent was domestic. Not only does this make us increasingly dependent on the most unstable parts of the world, but it is also leading to a financial hemorrhage. It is leading us to spend hundreds of billions of dollars abroad that could otherwise be deployed here at home.

Imported petroleum accounted for $272 billion of the U.S. trade deficit over the last year, equal to 32 percent of our total trade deficit—$272 billion that we spend in other countries that could have been spent here at home. Imagine the difference in this country's economy if we were spending $270 billion in America securing energy here instead of shipping it to Saudi Arabia, Kuwait, Venezuela, Nigeria, and all of the other countries from whom we buy foreign oil.

We know much of this oil is coming from the most unstable parts of the world. That puts us at risk, not only at economic risk but at national security risk. We must also recognize that other countries, especially in the developing world, are going to consume growing amounts of energy as well. In fact, the Energy Information Administration projects world consumption of energy will increase 57 percent from 2004 to 2030.

This chart shows it well. This is the current consumption level. This is what they project by 2030—a 57-percent increase. This growth in demand for energy will mean higher prices for energy, increased price volatility in the markets for oil, natural gas, uranium, and coal as transportation and refining networks are pushed to capacity. Unless we change course, we will become even more dependent on foreign energy sources. In fact, we are told now that while we are 60 percent dependent, we are headed for 75 percent dependence if we fail to act. In short, our addiction to foreign oil threatens our economic future and our national security. We need to take significant strides now to develop other sources of energy, ones we can rely on to be there in the future.

I have said many times to my colleagues, instead of continuing our dependence on the Middle East, we need to look to the Midwest for increased energy supplies, because it is in the Midwest where we grow the feedstocks for ethanol and biodiesel, things that reduce our dependence on foreign oil.

Fortunately, the United States has the domestic resources and the ingenuity to reduce our dependence on foreign oil and meet our energy challenges. That is why I introduced the BOLD Act last year, Breaking Our Long-term Dependence. The BOLD Act would increase production of renewable energy and alternatives fuels, offer incentives to reward fuel savings and energy efficiency, increase research and development funding for new technologies, promote responsible development of domestic fossil fuel resources, and facilitate expansion and upgrades to our Nation's electricity grid.

That is also one of the challenges facing us; we have gridlock on the energy grid. When we produce additional energy in North Dakota, we can't move it to the Chicago market because the capacity of the grid is full—in Minnesota, in Wisconsin. So when we put on new capacity in North Dakota through wind power, for example, where we have extraordinary potential, we can't move it to the Chicago market where it is needed because the grid itself is gridlocked.

I am pleased the bill before us contains many of the provisions or similar provisions to what was in the BOLD Act I introduced last year. The renewable fuels standard is an important step. My BOLD Act required 30 billion gallons of renewable fuel use by 2025. This bill requires 36 billion gallons by 2022. Renewable fuels have tremendous potential to reduce our imports. By relying more on domestic crops to produce ethanol and biodiesel, we can reduce fuel prices, support economic development in rural areas, and improve our energy security.

This energy bill also takes steps to develop an infrastructure of pipelines, rail lines, and trucks able to deliver increasing amounts of renewable fuels to market. These steps will allow us to substitute homegrown fuels for foreign oil, dramatically reducing our dependence on imported oil.

Let me say that other countries have done this. Brazil is a perfect example. You can see, in the green bars, that in 1973 we were 35 percent dependent on foreign oil. Today, we are 60 percent. Look at Brazil. Brazil, in 1973, was 80 percent dependent on foreign oil. They have reduced that last year to 5 percent—a dramatic change. How have they done it? They have done it by promoting ethanol and biodiesel and by promoting flexible fuel vehicles. That is a program for success.

Experts tell us the single most important thing we can do to reduce our reliance on foreign oil is to improve the efficiency of our cars and trucks. If our cars averaged 40 miles a gallon, we could save 2 to 3 million barrels of oil a day. In the short term, we clearly need to increase fuel efficiency. In the longer term, we need to develop alternative fuel technologies, such as plug-in hybrid and electric drive vehicles. This bill helps advance a long-term solution to the problem with research and development and demonstration programs for electric drive transportation technology. The bill also includes loan guarantees for facilities for the manufacture of parts for fuel-efficient vehicles, including hybrid and advanced diesel vehicles.

We have abundant domestic sources of electricity, from a 250-year supply of coal to rapidly developing renewable sources such as wind energy. Let me say that my State is a leader in both. We have the greatest wind energy potential in North Dakota of any State in the Nation. I might add it is not because of our congressional delegation. No, this is wind generated by a higher power.

I am glad I have been able to amuse the Chair.

North Dakota has those constant prevailing winds. Already, we have seen hundreds of millions of dollars invested in wind energy, but much more could be done. And, of course, we have extraordinary deposits of coal as well. By plugging into these sources of energy to fuel our transportation sector, we can dramatically reduce our dependence on foreign oil.

This bill also establishes long overdue efficiency standards for consumer appliances and industrial products, and promotes advanced lighting technologies that will cut down on a major source of our electricity load.

Lastly, I am encouraged by the strong provisions in this bill to research, develop, and demonstrate our capacity to capture and store carbon dioxide. The largest carbon sequestration project in the world is going on in North Dakota, where the coal gasification plant that is run by Basin Electric—we call it the Dakota gasification plant—is shipping about half of the carbon dioxide it produces to Canada to repressure the oil fields there. This is the largest carbon sequestration project in the world. We are proud of it. We are demonstrating that this can be done, and that is a winner on every count. It reduces carbon dioxide in the atmosphere and it repressures oil fields in Canada to get more production so we are less reliant on more unstable sources. This is crucial work if we are to find the best response to global climate change.

I look forward to taking up work in the Finance Committee next week to craft bold and thoughtful tax provisions to complement and expand upon the worthy objectives that are already in this bill. This bill takes important steps to set us on a path toward energy independence. Let me say it will be many years before we reach that objective, but we must act boldly now to take these initial steps.

I wish to especially commend and thank the chairman of the Energy Committee, Senator BINGAMAN, who has labored so hard and so long to produce this legislation. Senator BINGAMAN has taken on some of the toughest areas of energy policy. These are areas of real controversy, and he has taken them on with real leadership. We are proud of him.

Senator BINGAMAN, I thank you for the legislation you have brought to the floor and for the effort you and your staff have put into this endeavor. It is important for our country. I believe, more broadly, it is important for the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, let me thank my friend and colleague from North Dakota for his kind words and for his strong support for this legislation. He has been a leader on this whole set of energy issues and proposed very strong legislation in the last Congress on this very set of issues. We are hopefully moving ahead on some of the policy recommendations and proposals he has made here in the Senate in the last year or two. I congratulate him on that and look forward to continuing to work with him.

We are now on what is called the renewable portfolio standard and the renewable electricity standard amendment. This is an amendment I offered. Senator DOMENICI has now offered a second-degree amendment to it, which is really a substitute, which is really a very different piece of legislation than the amendment I offered.

I thought I would take a few minutes. I know Senator DOMENICI will be returning to the floor here in a few minutes, and he will want to speak on his proposed substitute amendment. I thought I would take a few minutes right now to describe the amendment I have offered on the renewable portfolio standard.

In each of the last three Congresses, we passed a major energy bill in the Senate. In each of those energy bills, we have included a provision to require that a certain percentage of the electricity sold by electric utilities throughout the Nation come from renewable energy sources. That is the nature of the amendment I am offering again today. The Senate has approved this proposition again and again.

In the 107th Congress, we included such a portfolio standard. That is the phrase which has been used historically to describe this amendment, a portfolio standard. It is really an electricity standard or electricity requirement on utilities. But in the 107th Congress, we included such a portfolio standard as part of the Energy bill, and strong votes on the floor affirmed the Senate's determination that the standard we proposed there 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. The Senate conferees went on to approve the portfolio standard and sent it on to the House as part of our bill.

In the 109th Congress, the same thing happened.

In all three cases, the House conferees rejected the proposal that had been passed by the Senate. Now we have an opportunity to renew our support for this proposal and to place it in a bill that hopefully can garner strong bipartisan support and finally reach the President's desk.

There are good reasons for the Senate to support this proposal. A strong renewable portfolio standard is an essential component of any comprehensive national energy policy. It is not just an important part of such a strategy but an essential component of such a strategy.

The benefits are clear. This portfolio standard 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 our greenhouse gas emissions, and it would increase our energy security and enhance the reliability of the electricity grid. Those are some of the benefits.

Mr. President, I failed at the beginning of my comments to ask unanimous consent that Senator DURBIN be added as an original cosponsor of this amendment.

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

Mr. BINGAMAN. This portfolio standard we have offered is a flexible, market-driven approach to achieving all of the goals I have enunciated here and to do so at a negligible cost to consumers. The proposal would require retail sellers of electricity who sell more than 4 million megawatt hours per year to provide 15 percent of that electricity from renewable sources by the year 2020. The requirement would be ramped up. There would be an increase in the requirement each year, in 3-year increments to allow planning flexibility for those utilities.

The Secretary of Energy would be required to develop a system of credit for renewable generation that could be traded or sold, again making the program easier to comply with. Utilities could use new or existing generation to comply with the program or they could comply with the program by buying credits from someone who has produced more renewable energy than they were required to produce. New renewable producers could receive the credits to trade or to sell.

Let me just summarize at this point and interject. The way we have drafted this, the flexibility is that an electric utility can comply with the requirement—the requirement being to ensure that 15 percent of the electricity they sell comes from renewable sources—in any of four ways:

First, they can produce the electricity themselves. They could put in a wind farm or a biomass facility or whatever and produce that energy from renewable sources themselves.

Second, they could buy that energy from someone else who is producing that renewable energy.

Third, they could buy credits from someone who has produced more renewable energy than they themselves are required to have in order to meet their requirements under the law.

Fourth, there is a compliance fee that they could pay the Secretary of Energy if they are not able to do any of the previous three. That would be at a rate of 2 cents per kilowatt-hour. So the cost of the program to utilities would be capped by allowing utilities to make this alternative compliance payment of 2 cents per kilowatt-hour, which is adjusted for inflation. As long as the difference between the cost of renewable generation and the cost of other generation resources is less than 2 cents per kilowatt-hour, the utility could buy or generate renewables or buy credits in the open market. When it reaches or exceeds that 2-cent price, the cap would kick in.

We also would create a program from the alternative compliance payments so that, to the extent a utility chose to go ahead and just pay the 2 cents per kilowatt-hour, those funds would go into a State program for development of renewable energy in that State.

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

We have a chart here which makes that point. This chart depicts electricity generation by fuel during the period 1970 projected through 2025 in billions of kilowatt-hours.

You can see, from 1970 up to the current time, renewables is way down toward the bottom. It is the second to the bottom line on that chart. Then it stays flat going forward, unless we pass this legislation. This legislation is intended to change these lines on this chart. That is the entire purpose of the legislation.

Critics of the program claim that the cost of this would be too much, that States are already requiring development of renewables, and that some areas do not have readily available renewable resources. My response is, I would point to a number of studies of this proposal that have been done over the years.

In 2003, I asked the Energy Information Administration at the Department of Energy to look at the effect the proposed renewable standard at that time would have had. They found that the standard would result in 350 billion kilowatt-hours of renewable generation being constructed between 2008 and 2025; that is generation that would not be constructed absent the passage of that provision. They found that the cost would be minimal. The report indicated there would be an increase in the cost of electricity by about one-tenth of a cent in 2025 over projected costs. When combined with the reduction in natural gas prices which would

be caused by the renewable portfolio standard, the total aggregate cost to consumers on their energy bills was projected to be less than one-twentieth of 1 percent.

In 2005, again I asked the Energy Information Administration to update the analysis, taking contemporary conditions into account. That update found that the portfolio standard we were proposing then would cause the prices of both electricity and natural gas to actually go down, and the letter that outlines those results stated:

> Cumulative residential expenses on electricity from 2005 to 2025 are $2.7 billion, that is 2/10th of a percent lower, while cumulative residential expenditures on natural gas are reduced by $2.9 billion, or one half of 1 percent. Cumulative expenditures for natural gas and electricity by all end use sectors taken together will decrease by $22.6, again, one-half of 1 percent.

That report also indicates that generation of electricity from natural gas would be 5 percent lower with the RPS than it would be without the RPS. It also projected that total electricity-sector carbon-dioxide emissions would be reduced by 249 million metric tons relative to the reference case.

This year, once again, I asked the Energy Information Administration to analyze the proposal we now have before the Senate. This analysis indicates that the renewable electricity standard or renewable portfolio standard would result in a tripling of generation from biomass, a 50-percent increase in wind generation, and a 500-percent increase in solar generation. The net expenditures for energy by consumers are projected to increase by three-tenths of 1 percent, electricity prices are projected to increase by nine-tenths of 1 percent, while natural gas prices are slated to fall.

The renewable electricity standard would also be expected to reduce carbon dioxide emissions by 6.7 percent, or 222 million metric tons in 2030.

These projections are not as optimistic as those we got 2 years ago in the 2005 analysis. There are some different assumptions which they used which explain the different conclusions. The first assumption was that the reference case projects a much greater expansion of coal generation than earlier projections. That was partly a result of the higher natural gas price projected. Second, the study assumes tax credits for renewables will, in fact, end next year, in 2008.

They are scheduled to expire next year. I think all or at least most Members of the Senate believe we ought to extend those tax credits. I hope we do so as part of our amending of this bill on the Senate floor this week and next week. I know the Finance Committee, Senator BAUCUS and Senator GRASSLEY on the Finance Committee are working to develop a package of tax extenders and provisions to expand the tax provisions that are related to renewables.

Third, and perhaps most importantly, the study—this is the study the Energy Information Administration did for us this year. The study does not assume any controls on carbon emissions anytime in the next 13 years. Frankly, I don't think that is a likely occurrence. I think this Congress and this Government is going to come to a responsible position with regard to greenhouse gas emissions and there are going to be limits on carbon emissions imposed in this country, as they have been imposed in many industrial countries around the world—the sooner the better, from my perspective. But certainly that is going to happen long before the end of the next 13 years.

The report acknowledges these assumptions but states that different assumptions would result in lower costs for the renewable electricity standard. There is, of course, considerable uncertainty regarding the projected baseline electricity mix. Actual implementation of future policies to limit greenhouse gas emissions could lead to a larger role for natural gas in the generation mix.

This is a quote from the report we received this year. It says:

> In such a scenario——

That is where natural gas has a larger role in the generation mix——

> the projected impact of the 15 percent renewable portfolio standard proposal would move toward those identified in the 2005 analysis.

In the tax title that is being developed by the Finance Committee to accompany the bill, we are working to extend the production tax credit, to extend the investment tax credits that are available for renewables. We are also going to do something, I believe, to try to encourage sequestering of carbon emissions.

I don't think anyone in this body believes Congress will fail to act on this issue for the period of time that is built in for these assumptions. If we assume what we believe is going to happen, we are back with a projection of considerable consumer savings from the renewable electricity standard, as we found in the 2005 report that they did.

A recent report from Wood Mackenzie, which is a noted natural gas industry analytic consulting firm, concluded that a 15-percent renewable portfolio standard would result in a savings in variable costs for electricity of $240 billion by 2026.

That is far more than offsetting the $134 billion increase in capital expenditures. The study indicates that natural gas prices would be from 16 to 23 percent lower in their projection by 2026 as a result of enactment of this provision. The study also projects that carbon emissions from the power sector would be 10 percent lower in 2026 as a result of this.

A recent study by the Union of Concerned Scientists found that this proposal would result in $16.4 billion in savings to consumers on electricity and natural gas bills. It also reported a 7-percent reduction in carbon emissions.

A number of other studies found positive results, even to the point of reducing overall energy costs. In 2005, we had a hearing in the energy committee. Senator DOMENICI was chairing the committee at the time. It was on the issue of generation portfolios. Dr. Ryan Weiser, of Lawrence Berkeley National Laboratory, presented a report that summarized the results of 15 studies of renewable portfolio standards, much like the one I am offering.

All these studies found that a portfolio standard would reduce natural gas prices; 12 of the 15 studies projected a net reduction in overall energy bills for consumers as a result of the renewable portfolio standard. In other words, we can save natural gas, we can reduce carbon dioxide emissions significantly, and we can save money both on electricity bills and on natural gas bills from making this move that this proposal contemplates.

Many have argued that States are already implementing renewable portfolio standards so there is no need for a Federal program. It is true States have taken the lead in pushing for more renewable generation.

Twenty-three States currently have in development renewable requirements. Almost all these standards are more aggressive than the Federal standard I am proposing in the amendment I have sent to the desk. New Mexico requires 16.2 percent by 2020. California requires 20 percent by 2017. Maine requires 30 percent by 2000. Minnesota requires 27.4 percent by 2025.

This will spur the growth of renewables in these regions. There is one thing, however, that a State standard cannot do—it cannot drive a national market for the technologies involved here. If some States have renewable standards and others do not, 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. The 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 that have renewable resources. I would argue it is a way to spread the cost to all who are, in fact, benefitting. If States do not have or choose not to develop renewable resources, they still realize very real benefits in lower natural gas prices, lower SO_2 allowance costs, and low-cost carbon reductions. It is only fair they share the slight increase in costs for generation of electricity that, in fact, created the savings. The argument that many States do not have, or many regions do not have renewable generation resources has been made. It is true the best wind, geothermal, and solar resources are concentrated in the West.

The entire country has extensive biomass potential. As Maine and other Eastern States have shown, paper production and agricultural processes are

available everywhere. We have a chart that makes that point. It shows, up in the left-hand corner, biomass and biofuel resources; on the right side, solar insolation resources; geothermal resources on the left-hand side; and wind resources on the bottom right.

If Rhode Island and Pennsylvania and New Jersey and Maryland can implement aggressive standards, then the standard we are calling for can be implemented in all States. The chart from the Department of Energy's National Renewable Energy Lab shows that virtually every State has the biomass production potential to meet this target. Environmental benefits are clear.

RPS would result, according to the Energy Information Administration, in a 6.7-percent reduction in carbon emissions in the year 2030. That is a reduction of 222 million tons in that area alone. RPS standards also benefit the economy. It drives job growth. The Union of Concerned Scientists says that wind turbine construction alone would result in 43,000 new jobs per year, on average.

An additional 11,200 cumulative long-term jobs will result from subsequent operations and maintenance. There is another study by the Regional Economics Application Laboratory for the Environment, Environmental Law and Policy Center, that found that over 68,000 jobs at 6.7 billion in economic output would result from the development of the renewable energy capacity contemplated in this amendment.

According to the AFL–CIO, an estimated 8,092 jobs would be created over a 10-year period for installation and O&M on wind power in Nevada alone, and another 19,137 manufacturing jobs would be created. Agricultural interests have begun to be aware of the potential and have indicated their support.

Last month, the 21st Century Agricultural Policy Project, under the guidance of former Senators Bob Dole and Tom Daschle, issued a report. That report made recommendations to sustain the Nation's farm sector. One of the key recommendations was that Congress pass a Federal renewable portfolio standard. I do have executive summaries of those reports. I ask unanimous consent that they be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. So support for RPS is strong throughout the Nation. A poll recently by Melvin & Associates found that 70 percent of those surveyed nationwide supported a 20-percent portfolio standard. That is not what I am recommending. I am recommending 15 percent.

But these results were about the same in States as diverse as North Dakota and Georgia and Missouri and Arizona. Environmental groups, from the Sierra Club to the Natural Resources Defense Council, to the industrial associations, to the renewable trade groups, to utilities have all supported RPS. We recently received letters from a great many organizations.

Let me indicate what these letters are. First, we have a letter to Senators REID, MCCONNELL, BINGAMAN, and DOMENICI, signed by several hundred organizations indicating their strong support for this proposal that I have put before the Senate today.

I ask unanimous consent that letter be printed in the RECORD.

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

(See exhibit 2.)

Mr. BINGAMAN. Next I have a letter from Michael Wilson of FPL Group—he is vice president for government affairs with FPL—saying: Please consider this letter an endorsement in the renewable portfolio standard amendment that you intend to offer.

I ask unanimous consent that be included in the RECORD following my remarks.

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

(See exhibit 3.)

Mr. BINGAMAN. Next, a letter from the National Farmers Union directed to Senators Reid, McConnell, Domenici, and myself, saying: On behalf of the farm, ranch and rural members of National Farmers Union, we are writing to urge you to support inclusion of a strong national renewable portfolio standard in energy security legislation and oppose attempts to weaken that when the Senate considers this issue in the coming days.

I ask unanimous consent to have that letter printed in the RECORD.

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

(See exhibit 4.)

Mr. BINGAMAN. Finally, I have a letter from the American Wind Energy Association indicating strong support for my amendment and concern and opposition to the proposed substitute amendment that Senator DOMENICI has offered under the title: Clean Portfolio Standard.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD following my remarks.

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

(See exhibit 5.)

Mr. BINGAMAN. Mr. President, we are moving ahead on this bill. This is an important part of the legislation. I think all Senators have known this was intended to be offered as an amendment on the floor. I have certainly indicated that repeatedly over recent weeks and even months. So as I say, it has been offered and passed in a somewhat different forum, three previous Congresses in the Senate. I hope very much that we can proceed to a good debate on this proposal and on the proposal by my colleague from New Mexico, Senator DOMENICI, and then have votes on those two proposals.

I know Senator KERRY also has a proposed second-degree amendment to raise the percentage requirement from 15 percent to 20 percent. He would like to have a chance to have the Senate consider that proposal as well.

At this point, I think that gives a general overview of the amendment and the reasons why I think the Senate should support it. I urge all my colleagues to vote for the amendment. I will also want to address Senator DOMENICI's amendment once he has had a chance to explain that.

I yield the floor.

EXHIBIT 1

21ST CENTURY AGRICULTURE POLICY PROJECT

EXECUTIVE SUMMARY

America's farmers and ranchers face unprecedented challenges and opportunities in the decades ahead. Globalization, technological change, trade issues, federal budget constraints, global warming, high energy costs, land-development pressures, and increasing environmental and food safety concerns are all likely to have a profound impact on rural communities and on future prospects for sustaining a prosperous and vibrant farm economy. At the same time, new markets are opening to farmers that already are paying enormous dividends. Investments in biofuels projects and wind farms, as well as the generation of carbon credits, are providing farmers and ranchers with new sources of income that are transforming the rural American economy.

The 21st Century Agriculture Policy Project was motivated by a recognition that rapidly changing landscape calls for a more expansive and creative approach to national farm policy. Sponsored by the Bipartisan Policy Center and chaired by the two of us, who together have eight decades of experience at the forefront of federal engagement with agriculture issues, the Project was launched in March 2006. Its aim has been to work directly with farmers, ranchers, and other stakeholders to forge bipartisan consensus around a new agenda for U.S. farm policy in the 21st century. It is our intent to put forward a series of recommendations that, taken together, can be implemented at a net savings to the federal government compared with the current Farm Bill. Specifically, our recommendations assume that increased demand for biofuels under an expanded renewable fuel standard will produce substantial savings in existing agriculture support programs, including elimination of the direct payment program, less reliance on countercyclical and loan deficiency payments, and more reliance on the marketplace.

Programs to sustain the nation's agricultural sector must necessarily evolve to reflect emerging budget pressures and new economic realities, while also being responsive to the larger concerns and interests of American taxpayers, consumers, and utility ratepayers. Indeed, as taxpayers, consumers, and ratepayers themselves, farmers and ranchers are best served by well-designed policies that achieve equitable outcomes, do so in a fiscally responsible manner, and are carefully targeted to achieve maximum societal benefits at the lowest possible cost. Fortunately, the input gathered through this project from farmers and researchers points to promising opportunities for reforming current policies in ways that are responsive to broader public-interest objectives without in any sense diminishing the federal government's long-standing commitment to an economically secure agricultural base. The recommendations advanced here reflect the view that strategic investments in developing new

market opportunities and in helping agricultural producers gain a larger stake in high-value-added enterprises can reduce farmers' need for current safety net programs in ways that are less susceptible to political uncertainty and international trade rules and that are revenue-neutral, in terms of overall federal spending. Four overarching themes connect these recommendations:

Securing a robust, economically vibrant future for American agriculture in the 21st century requires a more expansive and creative approach to farm policy. A continued federal commitment to the financial security and stability of the nation's farm community is essential at a time when globalization, technological change, environmental concerns, high energy costs, international pressure to cut traditional subsidies, and continued urbanization all pose new challenges for agriculture. To help farmers respond effectively while continuing to undergird U.S. competitiveness, federal policy must evolve to encompass a broader set of issues and successfully leverage multiple synergies.

An emphasis on new markets and on increasing farmers' equity share in value-added enterprises provides the best foundation for expanding opportunity in rural communities. Biofuels, renewable energy like wind power, carbon sequestration, and habitat preservation for recreation and hunting are just some examples of agriculture-related activities that can significantly augment and diversify future sources of income for America's farm families. Targeted policies are needed to increase farmers' stakes in the new wealth generated by these emerging markets.

Increasing the role of America's farms in energy production can be achieved at a net savings to the federal budget because increased demand for corn and other crops to serve the rapidly growing alternative-fuels market will naturally reduce outlays for traditional ''safety net'' programs. New economic research suggests that explosive growth in ethanol production will lead to higher prices not only for corn, but also for soybeans and wheat, as acreage now in these crops is shifted to corn. These market shifts are expected to dramatically reduce countercyclical and loan deficiency payments for certain crops, potentially freeing billions of dollars each year for farm programs that have broad political support and that generate promising, and ultimately more self-sustaining, economic opportunities in the long run.

Federal action to establish a mandatory program to limit greenhouse gas emissions is sensible and will provide agricultural producers with significant new market opportunities. The agriculture sector is in a unique position to lead in—and benefit from—efforts to address climate change. Expanded demand for biofuels is an obvious example, but ranch and farm lands are also well-suited for future development of renewable electricity sources (e.g., wind and solar power) and carbon sequestration.

SUMMARY OF RECOMMENDATIONS

Continue to provide economic stability through existing countercyclical programs, while investing in market-based opportunities for agriculture and addressing new sources of financial insecurity through a permanent disaster program:

First, the core of the federal farm program must be a strong countercyclical program based on the two countercyclical elements of the current farm bill: (1) a robust marketing loan program that treats all producers equally and (2) a partially decoupled countercyclical program. Individual farm benefits should be capped at $250,000 per year and eligibility to obtain benefits through more than one entity should be eliminated.

Second, Congress should eliminate the direct payment program and redirect funds for this program—along with savings generated by reduced countercyclical and LDP payments for corn, wheat, and soybeans—to permanent disaster assistance and promoting new income-generating opportunities for farmers in markets such as biofuels, renewable electricity, carbon sequestration, and conservation.

Third, Congress should establish a Value-Added Equity Creation Program to provide farmers and ranchers with no-interest revolving loans so that they can participate in high-value agriculture-related business opportunities, such as biofuels plants and wind projects. Producers should be eligible to participate if their primary occupation is farming and should be able to receive up to $100,000 in interest-free loans for equity investments in qualifying value-added enterprises (as certified by the U.S. Department of Agriculture (USDA)).

Finally, in recent years, Congress has frequently passed annual emergency spending bills to provide agricultural producers with disaster assistance. While these measures have provided important relief to farmers and ranchers, they have been ad hoc in nature and off budget. As a result, Congress may decide to establish a permanent disaster assistance program, administered by USDA, to provide ranchers and farmers with assistance for clearly defined disaster conditions. If so, we recommend that Congress replace the current system of ad hoc off-budget emergency supplemental spending bills, make the permanent disaster assistance program on-budget as part of the Farm Bill, and include a reasonable benefit cap of $250,000 per farm or ranch in any single year. If a reasonable benefits cap is imposed, net federal outlays for disaster assistance should be reduced compared with the current off-budget approach.

To promote biomass-based alternative liquid fuels, Congress should:

Expand and extend the recently-adopted renewable fuels standard (RFS) to reach at least 10 billion gallons per year by 2010, 30 billion gallons per year by 2020, and 60 billion gallons per year by 2030, as proposed in bipartisan legislation introduced in the U.S. Senate. This step would lead to expansion of biofuels markets beyond the E–10 market and spur new investment in the next generation of advanced biofuels technologies, such as cellulosic ethanol.

Promote the use of higher blends of ethanol in the existing fleet of automobiles by instructing the Environmental Protection Agency to conduct analysis of the viability of using higher blends of ethanol (including E–15, E–20, E–30, and E–40) in the existing fleet of automobiles by January 1, 2009.

Extend the existing volumetric ethanol excise tax credit (VEETC) to 2020 while simultaneously restructuring this program in ways that account for expected growth in corn ethanol production under an expanded national RFS. After the current tax incentive authorization expires in 2010, Congress should look for ways to ensure that the cost of the tax credit—in the context of other policies and expected ethanol production volumes—remains acceptable, while ensuring that new and innovative biofuels project are provided the support they need to be successful. Among the criteria that Congress should use to design the post–2010 biofuels tax credits are:

1. Limiting the overall cost of the tax incentives to the government;
2. Encouraging expansion of the industry by ensuring that investments in new plants and recently-built plants can be fully amortized;
3. Rewarding energy-efficient and low-carbon emitting technologies;
4. Ensuring that pioneering processes, such as those that convert cellulosic feedstocks like corn stover and switchgrass to ethanol, are economically competitive with fossil fuels;
5. Encouraging farmer ownership of ethanol plants;
6. Balancing domestic tax credits with an import duty of similar size, so that U.S. taxpayers do not subsidize ethanol imports to the detriment of American producers.

Extend the small producer renewable fuels tax credit beyond 2008 for plants that are at least 40 percent locally-owned and for cellulosic ethanol plants. Consolidate all cellulosic biofuels loan guarantee programs into a single program at USDA and establish an energy security trust fund to provide consistent funding for that program. Successfully commercializing the production of ethanol and other fuels from cellulosic (i.e., woody or fibrous) plant materials would dramatically expand the potential contribution of biofuels in terms of displacing current petroleum use and associated carbon emissions. Implementing many existing loan guarantee programs through three separate federal agencies makes little sense. USDA has considerable experience in implementing loan guarantee programs and expertise in evaluating biofuels projects through its Office of Energy. Therefore, Congress should consolidate all federal biofuels grant and loan guarantee programs at USDA and establish a national energy security trust fund to provide at least $1 billion per year in loan guarantees and grants to promote necessary advances in production technology and bioscience.

Establish a demonstration cellulosic biofuels feedstock program. Congress should establish a new set-aside program to demonstrate how the cultivation and harvesting of cellulosic feedstocks could be accomplished in an economically attractive manner. Following the model of several existing programs, the 2007 Farm Bill should provide a modest payment to landowners who convert existing cropland to grow cellulosic biofuel feedstocks for nearby cellulosic biofuels plants in ways that improve wildlife habitat, reduce soil erosion, and protect water quality. New lands to be set aside under such a program should be capped at 500,000 acres for the duration of the 2007 Farm Bill.

Establish policies to encourage a rapid increase in the number of flexible fuel vehicles sold in the United States and the installation of E–85 pumps and blender pumps at gasoline stations. For example, we recommend extending the existing tax credit for installing E–85 refueling stations and redesigning it to provide relatively greater benefits in the near-term to encourage more rapid deployment of E–85 infrastructure. We also recommend clarifying that blender pumps be eligible for the tax credit, since in the long run it will make more sense to install blender pumps that are capable of dispensing a range of ethanol blended fuels. Congress also should consider more attractive expensing and accelerated depreciation options to encourage installation of E–85 and blender pumps in lieu of tax credits.

To promote renewable electricity production and other renewable energy projects on farms and ranches, Congress should:

Establish a national renewable portfolio standard (RPS) along with complementary policies to promote maximum development of cost-effective renewable energy potential on agricultural lands. Such policies to promote renewable energy have been adopted by 21 states and the District of Columbia and Congress should now take action to adopt a

portfolio requirement at the federal level. Moreover, federal policies to promote renewable energy should encourage the siting of new projects on farm or ranch lands wherever possible. Given that the use of these lands would be far preferable to new development in wilderness areas and would simultaneously provide important economic benefits for rural communities, an appropriate policy goal would be to satisfy at least two-thirds of a national RPS with renewable energy production on agricultural lands. In addition, a federal RPS should be designated to complement and not pre-empt any state requirements (which may be more ambitious) and should apply equally to all large retail electricity providers. (To simplify implementation requirements and to address supply and price concerns, it may be appropriate to exclude rural electric coops and small municipal utilities.)

Expand and strengthen existing programs outside the Farm Bill that promote renewable energy development and related technology advances. To provide investment certainty, existing renewable-energy production tax credits (PTCs) should be extended for ten years and funding for related research, development, demonstration, and early deployment efforts should be increased. In addition, such programs should be modified so that incentives can be taken against non-passive income. The Community Renewable Energy Bonds (CREBs) program should be extended and expanded, with a substantial sum set aside for rural electric cooperatives and municipal utilities.

Establish a Rural Community Renewable Energy Bonds program to provide a federal incentive for local private investment in renewable energy to complement the PTC and CREBs programs. This new initiative would be limited to projects of not more than 40 MW; where at least 49 percent of the project is owned by entities resident within 200 miles of the project site.

Expand the capacity of the existing federal power administration transmission system. The federal power marketing administrations (PMAs) own and manage a vast network of existing power lines, which should be substantially expanded to provide the additional capacity needed to tap cost-effective renewable energy resources. Congress should direct the federal power administrations to pursue this objective under a structure in which non-benefiting PMA customers do not shoulder the cost and preference is given for system investments that maximize promising opportunities for renewable energy development on agricultural lands. Priority should be placed on the expansion of the Western Area Power Administration (WAPA) and Bonneville Power Administration (BPA) transmission systems. The PMAs also should be authorized and encouraged to enter into partnerships with non-federal parties for the siting, planning, and construction of transmission lines; the participation of PMAs can streamline siting by avoiding multiple state siting authorities.

The Department of Energy (DOE) should designate the Heartland Transmission Corridors ''National Interest Electric Transmission Corridors'' pursuant to the Energy Policy Act of 2005. Federal assistance in the form of an expanded role for WAPA as a facilitator for planning and investment, and a 20 percent matching investment from the federal government would go a long way toward addressing cost and siting hurdles, encouraging state cooperation, and ensuring that needed transmission system enhancements are implemented.

Congress should authorize $1 billion per year for five years to provide tax-exempt bonds for the construction of transmission facilities (or the expansion of existing facilities) where such construction or expansion is cost-effective and offers substantial public policy benefits in terms of facilitating the development of clean, domestic renewable resources. Under such a program, loans would be provided by eligible government entities to qualified private entities seeking to finance eligible transmission infrastructure. Such bonds would assure the availability of financing for transmission at significantly lower cost than presently available in the market. They could be used both for new transmission and for upgrades to existing facilities (for example, to address transmission constraints in west Texas and Minnesota, where substantial wind development opportunities exist, or to access renewable energy projects anticipated as a result of the Rocky Mountain Area Transmission Study (RMATS) in the Western Interconnect. In addition, current private use restrictions applicable to projects that receive tax-exempt bonds should be reviewed to assess whether they create unnecessary additional hurdles to investment.

Explore further opportunities for an expanded federal role in directly facilitating the implementation of, and providing resources for, investments to enhance grid capacity and to promote a more efficient, seamless, and reliable transmission system nationwide.

Reauthorize and expand USDA's Energy Audit and Renewable Energy Development Program under Section 9005 of the 2002 Farm Bill. This program to assist farmers, ranchers, and rural small businesses in becoming more energy efficient and in using renewable energy technology and resources has never been funded. It should be reauthorized with a goal of performing audits of 25 percent of all farms and ranches over the time horizon covered by the next Farm Bill and funds sufficient to achieve that goal should be appropriated in the future.

Reauthorize and expand USDA's Rural Development Business Renewable Energy and Energy Efficiency Program (Section 9006 of the 2002 Farm Bill). This program currently provides a modest number of grants—$23 million per year—to support renewable energy and energy-efficiency projects. Future funding should be scaled up over the next 5 years to at least $500 million per year and the program should be expanded to enable participating agencies to provide grants for feasibility studies and loan guarantees for project development. As long as feasibility studies are accurately performed, the cost to the federal government of providing loan guarantees for up to 75 percent of project costs should be fairly small. In addition, Congress should consider modifying the program to (1) increase loan guarantees for cellulosic ethanol facilities to at least $100 million per project, and $25 million for other projects, (2) create a rebate program to streamline the application process for smaller, standardized projects by reducing the paperwork burden, and (3) expand eligible applicants to include agricultural operations in non-rural areas (such as greenhouses) and schools.

To promote markets for carbon sequestration and other cost-effective greenhouse-gas mitigation measures on farm and ranch lands, Congress should:

Establish a national, mandatory, market-based program to reduce economy-wide greenhouse gas emissions that provides substantial market opportunities for cost-effective carbon sequestration on farm and ranch lands. Specifically, agricultural producers should have the opportunity to participate fully in the carbon markets that will be created under a greenhouse gas trading program. To facilitate this participation, priority must be given to establishing robust, well-defined protocols for measuring and verifying carbon reductions achieved through terrestrial sequestration.

Establish tax incentives, such as federal tax refunds for local and state property taxes, for farmers and ranchers who enroll land in a carbon trading program that works in tandem with entities that buy, sell and trade carbon credits.

Direct USDA to work with other state and federal agencies on continued economic and technical research on different options for sequestering carbon and on better methods of documenting sequestration for market participation.

To advance widely supported environmental habitat-preservation, and open-space objectives while creating additional income-generating opportunities for farmers and maximizing potential business opportunities related to hunting, fishing, and other forms of outdoor recreation, Congress should:

Expand existing conservation programs:

1. Expand the Conservation Reserve Program at 40 million acres;

2. Expand the Wetlands Reserve Program at 5 million acres, with annual enrollment capped at 250,000 acres per year;

3. Expand the Grasslands Reserve Program at 5 million acres, with annual enrollment capped at 500,000 acres per year;

4. Increase funding for the Farm and Ranch Lands Protection Program to at least $300 million per year.

5. Implement the Conservation Security Program on a nationwide basis on all working lands.

Enact ''Open Fields Bill'' to provide $20 million per year in federal funds to supplement state ''walk in'' programs that give farmers and ranchers financial incentives to expand public access to their lands.

EXHIBIT 2

Hon. HARRY REID,
Majority Leader,
U.S. Senate.
Hon. JEFF BINGAMAN,
Chairman, Energy & Natural Resources Committee, U.S. Senate.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate.
Hon. PETE V. DOMENICI,
Ranking Member, Energy & Natural Resources Committee.

Dear Senators REID, MCCONNELL, BINGAMAN and DOMENICI: As a diverse group of corporations, manufacturers, electric utilities, renewable energy developers, labor organizations, farm groups, faith-based organizations and environmental advocates, we are writing to urge the Senate to include a national renewable portfolio standard (RPS) in energy security legislation that may soon be considered by Congress. An RPS is an essential component of a broader national energy strategy, because it will held the nation to take full advantage of the abundant domestic renewable resources available for the generation of electricity.

An RPS is a market-based mechanism that requires electric utilities to include a specific percentage of clean, renewable energy in their generation portfolios, or to purchase renewable energy credits from others. By substantially increasing renewable electricity generation, the RPS would enhance national energy security by diversifying our sources of electric generation. At a time when the United States is increasing energy imports, an RPS would make America more energy self-reliant. The reduction in the use of fossil fuels to generate electricity would also limit fuel price volatility, which is important to both industry and consumers. In fact, the U.S. Department of Energy's own Energy Information Administration has found in several studies that an RPS would actually cause natural gas prices to decline.

Increasing the market share for renewable energy resources would also have substantial environmental benefits. An RPS is one of the most important and readily available approaches to reducing greenhouse gases from the electricity generation sector. In addition, an RPS also would help reduce conventional pollutants including nitrogen oxide, sulfur dioxide and mercury emissions.

Moreover, a national RPS will produce substantial economic benefits. The additional investment in renewable electric generation would create hundreds of thousands of well-paying jobs. In addition, because many renewable resources are located in remote areas, rural America will experience a substantial economic boost.

We believe the time has come for Congress to move quickly to enact national RPS legislation. The costs of inaction for our environment, national security and economy are too high. Although more than 20 states have adopted individual RPS programs, the country will not realize the full potential for renewable electricity without the adoption of a Federal program to enhance the states' efforts.

Thank you for your consideration of this important matter.

Sincerely,

GE, BP America, Inc., National Venture Capital Association, Miasole, Wisconsin Power and Light, National Council of Churches of Christ in the USA, Technet, APX, Inc., Alliant Energy, Sempra Energy, Shell Wind Energy, Inc., Solar Turbines, Inc., Business Council for Sustainable Energy, Alliant Energy, Invenergy LLC, Owens Corning Composites System Business, Leeco Steel, Clipper Wind Power, Inc., Google, United Steelworkers, Edison International, Pacific Gas & Electric, Union for Reform Judaism, GT Solar, PPM Energy, Inc., Avista Utilities, Horizon Wind Energy, Enel NA, D.H. Blattner and Sons, Applied Materials, Inc., Greene Engineers, Oregon Steel Mills, LM Glasfiber ND, Inc., Noble Environmental Power, enXco, Interstate Power and Light, National Audobon Society, American Wind Energy Association, Blue Green Alliance, Big Crane & Rigging Company, Iberdrola U.S.A., Natural Resources Defense Council.

DMI Industries, Union of Concerned Scientists, Lake Superior Warehousing, Rocky Mountain Farmers Union, Pennsylvania Interfaith Climate Campaign, Interfaith Power & Light, Environmental Law and Policy Center, Western Organization of Resource Council, ATS Wind Energy Services, BioResource Consultants, Bosch Rexroth Corporation, Castle & Cooke Resorts, Chermac Energy Corporation, Dominion Energy, EFormative Options, Energy Unlimited, Enertech, Environmental Stewardship & Planning, Eurus Energy America, FPC Services, Generation Energy, Green Energy Technologies, Gro Wind I, Highland New Wind Development, Knight & Carver, LAPP Resources, Louis J. Manfredi Consulting, Mackinaw Power, Mizuho Corporate Bank, Nordex USA, Old Mill Power Company, Otech Engineering, Phoenix Contact, Renewable Energy Consulting Services, San Gorgonio Farms, SIPCO (MLS Electrosystem), TCI Renewables Limited, Tideland Signal, Trinity Structural Towers, Varelube Systems, Wind Capital Group, Wind Utility Consulting, WindLogics, Windsmith.

PowerWorks, Physicians for Social Responsibility, McNiff Light Industry, Citizen's Utility Board, Great Southwestern Construction, RES America, JPW Riggers, AES Wind Generation, Suzlon Wind Energy, U.S. PIRG, University of Alaska, Fairbanks, Atlantic Testing Laboratories, National Environmental Trust, AWS Truewind, Big Stone Wind, CAB, Inc., Bluewater Wind, BQ Energy, Competitive Power Ventures, Chinook Wind, EcoEnergy LLC, Electric Power Engineers, Enerpro, FAW Foundry, Foresight Wind Energy, Excellent Energy Solutions, General Compression, Hopwood, Greenwing Energy, Hailo, HMH Energy Resources, Pandion Systems, ReEnergy, Tamarack Energy, Mariah Power, Molded Fiber Glass Companies, Oak Creek Energy Systems, Sierra Club, Padoma Wind Power, Project Resources, RSMR Global Resources, Signal Wind Energy, Sustainable Energy Strategies, The Conti Group, TMA, Inc., Oregon Rural Action, Venti Energy, Wind Turbine Tools, Windland.

WindRose Power, Winergy Drive Systems, Winergy Power, Appropriate Energy, Castaic Clay Products, Cannon Power, TOWER Logistics, Energy Development and Construction Corp., Institute for Environmental Research and Education, RENEW Wisconsin, Fallon County Disaster & Emergency Services, Stevens County (KS) Economic Development, Dakota Resource Council, Montana Department of Environmental Quality, West Wind Wires, Interwest Energy Alliance, Concord Energy Policy Group, Renewable Northwest Project, Friends Committee on National Legislation, American Lung Association of the Central States, Tompkins Renewable Energy Education Alliance, Alaska Wilderness League, 1000 Friends of Wisconsin, Citizens Campaign for the Environment, Grassroots Citizens of Wisconsin, NH Sustainable Energy Association, Southwest Wisconsin Progressives.

Cabazon Wind Energy, Zephyr Lake Energies, Hodge Foundry, Commonwealth Capital Group, Mankato Area Environmentalists, Clean Wisconsin, Missourians for Safe Energy, Oklahoma Wind Power Initiative, OverSight Resources, Kansas Rural Center, Chesapeake Climate Action Network, Greenpeace, Southern Alliance for Clean Energy, Clean Power Now, RMT/WindConnect, The Land Institute, Western Colorado Congress, Idaho Rural Council, Clean Water Action, Coulee Progressives, League of Conservation Voters, Penn Future, REACH for Tomorrow, The Minster Machine Company.

EXHIBIT 3

FPL GROUP, INC.,
Washington, DC, June 11, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR CHAIRMAN BINGAMAN: Please consider this letter an endorsement of the Renewable Portfolio Standard (RPS) amendment you intend to offer during upcoming Senate consideration of energy legislation.

As you may know, FPL Group, comprised of two major subsidiaries, Florida Power & Light (FPL) and FPL Energy (FPLE), is one of America's cleanest, most progressive energy companies. Our commitment to the environment is manifested by FPL's diverse generation mix and by FPLE's largely renewable energy portfolio. FPLE operates two of the largest solar projects in the world, over 1,000 megawatts of hydroelectric power, a number of geothermal projects and several biomass plants. Additionally, FPLE is the world's largest generator of wind power.

We appreciate your leadership on this important issue and support your efforts to enact a fair and balanced RPS in order to increase the amount of non-emitting electricity generation in the United States.

Sincerely,

MICHAEL M. WILSON,
Vice President, Governmental Affairs.

EXHIBIT 4

NATIONAL FARMERS UNION,
June 11, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

Hon. JEFF BINGAMAN,
Chairman, Energy & Natural Resources Committee, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

Hon. PETE V. DOMENICI,
Ranking Member, Energy & Natural Resources Committee, Washington, DC.

DEAR SENATORS REID, MCCONNELL, BINGAMAN, and DOMENICI: On behalf of the farm, ranch and rural members of National Farmers Union (NFU), I am writing to urge you to support inclusion of a strong national renewable portfolio standard (RPS) in energy security legislation and oppose attempts to weaken it when the Senate considers this issue in the coming days.

Rural America has the greatest potential for generating significant amounts of clean, renewable energy. A RPS that ensures a growing percentage of electricity is produced from renewable sources, like wind power, will provide long-term, predictable demand that will allow the industry to attract investment capital and rural America to harness wind energy potential.

Passage of a robust RPS will significantly accelerate efforts to enhance our energy security by diversifying our sources of electricity and limiting our dependence on foreign sources of energy. Additionally, a RPS would create new economic opportunities in rural America. Local, community and farmer-owned renewable energy development projects are key to providing economic and social benefits, while providing an economic base for further rural economic development. A robust RPS would create hundreds of thousands of good paying jobs, provide billions of dollars in new income to farmers and ranchers and generate significant local tax revenues that can be used to fund other important priorities.

NFU believes Congress should move quickly to enact national RPS legislation and we urge you to support efforts to do so during floor consideration of the Renewable Fuels, Consumer Protection and Energy Efficiency Act of 2007.

Sincerely,

TOM BUIS,
President.

EXHIBIT 5

AMERICAN WIND ENERGY ASSOCIATION,
June 11, 2007.

Re Please Support Bingaman RPS Amendment, Oppose Domenici CPS Amendment

Hon. HARRY REID,
Senate Majority Leader, Washington, DC.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy & Natural Resources, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader, Washington, DC.

Hon. PETE V. DOMENICI,
Ranking Member, Committee on Energy & Natural Resources, Washington, DC.

DEAR SENATORS: As the full Senate begins consideration of comprehensive energy legislation this week, the American Wind Energy Association (AWEA) respectfully urges Senators to vote in favor of the Bingaman renewable portfolio standard (RPS) amendment and against the Domenici clean portfolio standard (CPS) amendment.

In order for our nation to seriously address the challenges of energy security and global climate change we need an effective renewable electricity standard that will drive new investment and job growth in the renewable energy sector. The Bingaman RPS proposal

would assure crucial progress toward this vitally important objective. Unfortunately, however, the Domenici CPS amendment includes numerous exemptions and loopholes that would undermine the effectiveness of the effort to promote renewable energy.

A core weakness of the CPS proposal is its inclusion of language that could allow virtually any form of electricity generation to qualify as ''clean.'' The CPS amendment would allow the Secretary of Energy to designate ''other clean energy sources'' that could qualify for clean energy credits without placing any parameters on such designations. In addition, it is noteworthy that utilities would receive credit for electricity generated from technology that captures and stores carbon, but the amendment does not specify that a utility must actually employ carbon capture and storage to receive credits.

Also of concern is an important loophole in the CPS amendment that would allow states to waive program requirements. The CPS amendment would allow states with existing requirements to opt out of the Federal requirements based solely on the state's own determination that it has a measure in place that is ''comparable to the overall goal'' of the Federal program. This vague standard is not further defined. In contrast, the Bingaman RPS proposal would not interfere with the ability of utilities to comply with state RPS programs. The state opt-out provision in the CPS proposal would lead to substantially reduced renewable energy investment and employment.

Our nation's citizens overwhelmingly support increasing the generation of electricity from renewable sources like wind, biomass and solar power. The Bingaman RPS amendment would meet this demand and put our nation on a path that increases the role of clean domestic energy in meeting our electricity needs. We urge its enactment without the addition of weakening changes such as those included in the Domenici CPS amendment.

Thank you for your time and attention to this vitally important matter.

Sincerely,

RANDY SWISHER,
Executive Director.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, Senator DOMENICI will be to the Chamber in a few moments and is preparing to speak to the second degree to the Bingaman amendment the chairman has outlined. In doing so, I will touch for a few moments on some of the differences between an RPS and a CPS and some of the value of broadening the portfolio Senator BINGAMAN is talking about to create greater advantages nationwide for a larger amount of clean energy.

There is no question that RPS, as we know it, invented in the mid-1990s as a concept, evolving now to 23 States having accepted some form of an RPS standard, has a very strong bias for wind and biomass. It is there. We subsidize wind today. The letter the Senator introduced from the wind industry is reflective of the phenomenal subsidy they get and the advantage they get.

We create a market niche for them with an RPS, and then we subsidize them. Frankly, I am for that. Wind energy and the more of it we can have is the right energy, along with all other forms.

What the Senator did not say was the Southeast is dramatically disadvantaged because they don't have wind. As a result, they have to go buy or be taxed to offset the differences. That is unfair. Many of us believe it is unfair. We also believe RPS is not an obsolete standard but an old one.

About 3 years ago, people looking at a broader portofolio of energy said: We ought to expand the standard. Today's mantra in energy, whether it is the Senators from New Mexico or this Senator, who is one of the senior members of the Energy Committee, is: Clean. America will not build new energy production unless it is clean. That is what RPS was originally heading us toward—cleaner renewable energies. So why shouldn't we expand that portfolio from wind and bio to some additional new forms—new nuclear, very clean; new hydro, yes, but limited; coal sequestration or carbon sequestration, clean; efficiencies, less use, less demand. Shouldn't they also be in this new portfolio? I say yes. America, when they understand it, would say yes.

Right now there is a niche market, a very narrow one, for limited use in certain capacities and greater use in others. I see windmills coming up across my State today. Why? Because we have wind, and they are subsidized. There is an advantage to do so. But you don't see windmills coming up in Florida and other places in the South because there is not the kind of prevailing winds that sustain a 25- to 30-percent production efficiency of these particular kinds of units.

Senator DOMENICI has just arrived. I will let him pick up the debate because he has led with this issue. I have been a supporter of it and have helped develop this issue. I believe it is time we modernize, move to clean energy, and reward the utilities that produce clean energy. It does not disadvantage an RPS. It simply expands and modernizes it into the concept of energy we are looking for today in the American energy portfolio.

I yield the floor.

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

Mr. DOMENICI. Mr. President, I apologize to Senator BINGAMAN for not hearing all of his speech. I was detained. They told me he had started. I thought they would tell me a few minutes before. I had to drive from downtown. I apologize for that.

Senator BINGAMAN and I have been doing our best to remain bipartisan. But on this issue, I can't do that. He will go his way and I will go mine. His amendment is on the bottom and my amendment is on top. I have offered mine as a second-degree amendment to his. My recollection of how we do this, when time has run out, unless other arrangements are made—and they could be—mine would go first.

I thank the cosponsors. Senator CRAIG has just told us that he is a cosponsor. He worked very hard. Clearly, you can see from the morning's work that Senator PETE DOMENICI, ranking member of the committee, is pretty lucky. He can step down and go out and leave things vacant for a little while, and the man behind me, LARRY CRAIG, will soon take over. No one will know anything was missed. If anything, they will figure things got better. He is very good at it, and I thank him for all the help he has given me. Other cosponsors are Senators BENNETT, CRAPO, GRAHAM, and MURKOWSKI.

I am saying there is a far better way to reach the goals Senator BINGAMAN wants, and we don't have to harm so many States in doing it. What we ought to know right up front is that you have to go ahead and choose something. Senator BINGAMAN chose to put two or three things in his. Before I am finished, I think I can convince you that everybody who has looked at it says that in its application, it is predominantly a wind amendment. It says a couple other things, but when you look at it as to what is done, I am safe in calling our battle a battle between wind in every State, forced upon them at the level of 15 percent of what their utilities use in energy. Every single State will have to have that by a time certain, whether they can do it or not. If they can't do it, they will be penalized.

I want to take a quick look at this map. Here is a map that shows what we are talking about. If you look at it, you see the United States. You see the eastern seaboard is white. Then you see some inlets of water. Then you see it is white again. That means there is not enough wind in those areas to move the wind turbines enough for them to be used to accomplish the goals of this bill. Then if you look out in the western part, you see very big pieces of the West that are white, all the way through this white versus blue and dark blue. The white is what Senator BINGAMAN calls wind energy. It is clean, but it is wind. I don't believe we should do it that way.

I have said, since you all want something, I am going to suggest that you want clean—not his words, my words—a clean energy portfolio. If it is clean and available, you ought to put it in so they can use it. So you will find that is what I have done. The clean energy portfolio standard provides a comprehensive, technology-neutral program to ensure that clean energy will make up for an ever-increasing portion of our Nation's electricity operation. The clean portfolio standard requires electric utilities to produce a set percentage of electricity from clean energy sources, ramping up to an enforceable goal of 20 percent by 2020. So it is 20 by 20, and it is a clean portfolio. Rather than pick winners and losers—and I stress this—rather than pick winners and losers between various clean technologies that are or will be available in the future, the clean portfolio standard provides for all sources of clean energy—including solar, wind, geothermal, biomass, landfill gas, hydropower, new nuclear power, and fuel

cell quality—under the program. The clean portfolio also provides credit for innovative technologies that will allow future traditional fuels to be burned in a way that captures and sequesters carbon emissions. We are going to do that. Somebody is going to make that breakthrough.

Our bill provides that they can come in. Credit is further provided for reductions in electricity usage from programs that provide efficiency and lower the amount of power that needs to be generated in the first place.

Energy efficiency efforts such as demand response should be part of the solution. Everybody tells us that demand response is a way that, by managing it properly, you can get a very significant savings.

Finally, since we have faith in American engineers, the clean portfolio standard encourages innovation by giving the Secretary of Energy authority to provide credit for new clean technologies that may just be a twinkle in the inventor's eye but which may revolutionize the way we produce and use electricity. If that occurs during the time, clearly it should be permitted to come in. It doesn't have to be here yet. If it is invented in 5 years, we thank the Lord and put it in and use it. We don't operate in stagnation and say: You are outside of our window. You are clean, but you don't come in. We don't give you credit. You go on with that same old wind technology.

I am going to invite my friend from Tennessee, LAMAR ALEXANDER, to come down and share again with us what he thinks about what he calls a wind economy. I can't give that speech. I am not that good. But I sure listen to him because I think he is right. I don't believe we want wind as the test of providing an alternate renewable in every State in the Union, even if there is insufficient wind. And we don't want those States paying fines because they can't come in. I don't think Senator BINGAMAN wants to pull out the States—I don't know how many it would be, 10, 12, 13—and say: We aren't going to do anything there. I think if he did, he couldn't call it national. But he certainly would gain a lot of support if it was fair. To make it fair, you cannot impose the same regulated wind requirement on States that have no wind and then say: Let's vote on this bill. The bill should not be voted on in that way. In fact, those States that have it that way ought to come down here and say: We can't vote on this bill. It is so obviously wrong that we should not do it.

Finally, since we have faith, we are going to expect innovation to be offered to the Secretary of Energy while the years run. That innovation, if it produces something, will come to us and be put into the package we are talking about that will start taking away white and turning it into blue because we put new technology into the area.

Unlike the RPS, the clean portfolio, the CPS, doesn't pick winners or losers. Unlike the RPS, the clean portfolio standard recognizes that regional differences in resources and geography mean that we can't create a one-size-fits-all. That is what I believe. That is what I believe the Senate is going to say. Why pick a one-shoe-fits-all, when you can't get it in. You can't get any foot in on the white up here in the north because you can't get that much in the foot. You can't create one that will put it in and still have essentially what is in the Bingaman amendment.

Take a look at the chart from the National Renewable Lab. It shows where our Nation's wind resources are located. Wind has no application in the Southeast. The resources simply are not available in an entire region of the country.

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

Wind power is the clear winner under an RPS. Advocates of the Federal RPS call it the ''wind power legislation.'' They are right—the only way to reach a 15-percent requirement from the limited number of renewable resources permitted under the Bingaman amendment is from wind power.

Wind is the clear winner in the RPS. This chart I have in the Chamber is based on an estimate prepared by Global Energy Decisions. As you can see, wind will be used overwhelmingly to attempt to meet the RPS requirement. The Union of Concerned Scientists concurs, estimating that two-thirds of the RPS requirements would likely be met by new wind generation. I have told you that already, that it would be almost all wind. Now I am telling you that scientific groups that analyzed it agree with what I said.

The Federal Government has supported wind power development since 1992. I am not saying that is wrong. In fact, there will be much wind produced under the Domenici amendment because much of the renewables will be wind. It is that every State will not be required, and some will not have any because they cannot produce any.

The Federal Government has been allowing a production tax credit since we first adopted it in 1992. Since then, we have spent in excess of $2 billion on wind power development—from R&D, to the tax credit, to clean renewable energy bonds.

We have made a lot of progress in the past 15 years. In 2006, installed wind power capacity was 11,600 megawatts—enough to power 3 million homes. The wind industry continues to grow. With a good subsidy, we continue to give it to them. An additional 3,000 megawatts is going to come on line by the end of 2007.

So we support wind power. Wind power is included in the clean portfolio standard I offer today.

What is interesting is—you have to think ahead with me—the Bingaman portfolio is almost all wind. How many years do we intend to support wind with a subsidy so that this system will work? Without wind, it will not work. It seems like right now, without a subsidy, it will not work. I do not know what the scientists working on it say. Will it soon not need any subsidy? They may say the subsidy can start going away. Or how many years will it be they will have to have it? That puts me to thinking whether you should have it at all.

Today, we have only Senator BINGAMAN's amendment and mine—both of them. His has all wind, and we have some wind, so we are kind of admitting we are going to keep it as long as we can and pay for it as long as we can so we can have that kind of nationwide—or partially nationwide—program.

For the one I suggest, the clean one, obviously, we use less wind and will still be clean, and no States will pay any fines, no States will be given any slips that they are entitled to money in the future.

The clean portfolio standard results in more clean energy actually produced. It is not watered down. The clean portfolio standard would impose a 20-percent standard—a full one-third higher—yet the proponents of the RPS claimed this is a ''watered down'' program. What is their complaint? That we allow a greater number of resources to qualify for credits under this program?

It is true the clean portfolio standard allows the use of any nonemitting source of power: including expanded hydropower, new nuclear powerplants, fuel cells, clean coal technologies that capture and sequester carbon, and energy efficiency to meet the 20-percent standard.

Thus, the clean portfolio standard allows the use of a greater variety of technologies to meet a higher standard. The goal of this amendment is to provide a greater amount of clean energy from a greater diversity of energy sources. Obviously, the clean portfolio standard does this much better than the RPS proposal.

Mr. President and fellow Senators, the clean portfolio standard allows States that develop their own portfolio standards to opt out of the Federal program. Some are trying to label this provision as a loophole. It is not. Instead, it is a recognition that States should be afforded the right to develop their own clean portfolio approaches without Federal interference. We should not penalize those States that already have forged ahead by imposing an inconsistent Federal mandate.

The Federal RPS could cost billions. Here is an estimate prepared by Global Energy Decisions. GED estimates which States can and cannot comply with a Federal RPS. As shown on the chart, the orange States do not have the necessary renewable resources to comply with an RPS. The majority of the States—27—will not be able to meet the mandate.

Let's look at this another way—by population. This pie chart I have in the Chamber represents those that will not be in compliance with a 15-percent renewable portfolio standard. About two-thirds of the U.S. population—66 percent—will not be able to meet the new standard.

How will the States' inability to meet this new electricity mandate impact consumers? It is going to cost billions.

I have another chart. According to the study prepared by Global Energy Decisions, the cumulative costs to consumers to comply with the RPS is $175 billion. The States hit the hardest are those in the Southeast without access to wind power; Florida, Georgia, North Carolina, Alabama, Kentucky, Tennessee, Arkansas, Louisiana, and South Carolina.

The EIA recently concluded a study on the 15-percent RPS mandate and found it would cost consumers $21 billion. Obviously, that is still a tremendous cost to pass on to the consumer. However, the EIA has used some questionable assumptions in its analysis that have been rejected not only by the utility industry but by all 10 Southeastern public utility commissions—bipartisan watchdogs for the ratepayers.

With this amendment, we keep our eye on the ball. The true goal of this legislation is an increase in the amount of electricity generated by clean technologies, reducing the emissions in our environment.

Our goal is not to promote one or two or three specific technologies over another. In fact, the only way to ensure that the cost to the consumer is mitigated to the maximum extent is to avoid the temptation to pick winners and losers between technologies that all move us toward one goal.

To limit the number of qualifying resources to a handful of existing technologies is to ignore the history of rapid acceleration of scientific and technological development in this country.

Do the sponsors of the RPS truly believe that innovation is dead? Only a handful of existing technologies qualify under the RPS. This assumes there will be no breakthroughs in the way we produce electricity for the next 23 years.

I believe the incentive of a clean portfolio standard, combined with environmental concerns and rising prices for traditional fuels, will produce an ideal climate for technological innovation.

I ask my colleagues to support this amendment. I think it is the best way to do it. We will have more to say during the afternoon.

With that, I yield the floor and thank the Senate for the time I was given and for listening.

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

Mr. BENNETT. Mr. President, I shall not take a great deal of time. I simply rise to express my support for the amendment offered by the senior Senator from New Mexico. He has thought the matter through very carefully and described, I think, a hopeful approach, one that recognizes technology in the energy business is constantly changing, that opportunities are arising that we may not even think of now.

One area where I have shown an interest is tidal energy, and we are in the infancy of finding out about that. We need to have an open-ended opportunity to find alternative energy sources.

So with that, I thank the Senator from New Mexico for his leadership on this issue and am happy to be a cosponsor of his amendment.

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

Mr. BINGAMAN. Mr. President, let me make a few comments in response to my colleague's statement and in opposition to his amendment, which he has designated the clean energy portfolio standard. I think people need to understand what his amendment provides, and let me try to explain that.

This amendment purports to be significantly stronger than the 15-percent requirement I have proposed as part of the renewable portfolio standard I have sent to the desk. It actually, though, accomplishes very little in driving the development of new technologies for electricity supply.

The amendment talks about a target of 20 percent clean energy resources by 2020, but when you look at it carefully, it is a recipe for business as usual, given all the other things that are going on and in the planning stages.

There are various reasons why I say that. First of all, it is very clear from his amendment that existing nuclear power is subtracted from the base against which the requirement is measured. Now, what does that mean? What that means is that instead of taking 100 percent, you say: OK. How much of our current electricity supply comes from nuclear power? About 20 percent. You subtract that, and you are then left with the remaining 80 percent; and that remaining 80 percent is what he calculates his 20 percent against. So, in fact, 20 percent of 80 percent gets you down to 16 percent—rather than a 20-percent requirement.

He also has a provision in here that says incremental nuclear power is counted for full credit. Now, that means any new powerplant that is built is new energy and helps to meet the requirement that would be imposed by his amendment. Let me say, first of all, I worked very closely with Senator DOMENICI in supporting additional incentives and additional supports—subsidies, in fact—for the nuclear energy industry in the 2005 Energy bill we passed. We put a variety of things into law to encourage the construction of new nuclear powerplants in this country. We put in regulatory risk insurance. We put in a production tax credit, which I think was 1.8 cents per kilowatt-hour for the first 10 years you had one of these new nuclear powerplants in production. We extended the Price Anderson Act. We had loan guarantees for the construction of new nuclear plants—the first six, I believe. We had a substantial increase in funding for nuclear research and development, and we had a transfer to the Federal taxpayer of much of the expenditure for safety and security that would otherwise have been borne by the industry.

So there are a lot of things in there to support the nuclear power industry. I still believe those are very good provisions, and I am in no way backing away from those. But now my colleague has come to the floor and said: OK, now let's give them another subsidy, another incentive to build nuclear power by including them as one of the ways you would meet the requirement of this clean energy portfolio standard.

As I am sure anybody who was paying attention to our discussion yesterday would know, I believe Senator DOMENICI made this point very strongly: Since we passed the 2005 bill, there has been a resurgence in interest on the part of various companies that want to build new nuclear powerplants. I think there are some 30 letters of intent currently pending at the Nuclear Regulatory Commission stating that companies are looking seriously at filing applications for the construction of new powerplants. So the expectation is that we are going to have a lot of new nuclear powerplants constructed in this country over the next decade, and I, frankly, hope we do because I think that is an essential part of meeting our energy needs. But we do not need to further incentivize that by including them as part of a renewable or a clean energy portfolio standard as the Domenici amendment would have us do.

He talks about how the amendment I have offered is strictly a wind type of incentive; it is a program to encourage construction of more wind energy.

That is directly contrary to what has been stated by the Energy Information Administration. In their analysis, they concluded very clearly that wind energy would be expected, under this amendment I have offered, to increase 50 percent; that biomass energy production, electricity production from biomass, which is already twice as large as energy production from wind, would be expected to increase 300 percent rather than 50 percent, as is the case with wind; and that energy production from solar would be expected to increase 500 percent. So it is clear to me that this is not just a wind energy amendment I have proposed. Our amendment talks about meeting the requirements from solar power, from wind power, from geothermal power, from biomass power, from ocean.

The Senator from Utah was just on the Senate floor talking about his support for the idea of energy from tidal waves. We have that included. That is one of the new renewable energy

sources which we contemplate. Incremental hydro—so that if we have a hydroelectric facility and one wants to increase the amount of power from that facility, we count that against the requirement; landfill gases as well. So I think all of that is included, and all of it would be increased significantly.

Let me also talk about the issue of subsidies. I went through a list of the various subsidies we provide in the 2005 bill for the nuclear power industry, and I support every one of those. I think that was the right thing to do. But let me just be clear that we have subsidies for a great many types of energy sources, including tax deductions, loan guarantees, liability insurance, and provisions for leasing of public lands at below-market prices. Some, like the depletion allowance for oil and gas, are permanent subsidies that are built into the Tax Code, and I am not suggesting they need to be repealed. I am just pointing out the largest subsidy—and I think any economist would make this point and would agree with this point—the largest subsidy is an invisible subsidy, the fact that the environmental impacts from use of fossil fuels are nowhere reflected in the cost of those energy sources. That is what has caused our problem with greenhouse gas emissions. That is why—it does not cost anything to pump 100 tons of CO_2 or other greenhouse gases into the atmosphere. There is no cost to the person who is producing their energy for those fossil fuels. There is a cost to society, and we are beginning to understand what that cost is. But the idea of a major impetus for the renewable portfolio standard I have offered is that we would reduce dramatically these greenhouse gas emissions and provide incentives for the development of these other technologies. There are already incentives for the improvement in the development or improved use of nuclear power for energy production, and, as I say, I support those.

Let me also talk a little about this proposal that States can opt out. First, let me mention that the Secretary can add others. I think that is a very major loophole, for us to essentially say to the Secretary of Energy: It is up to you; if you find something else that you believe ought to be included in the way we meet essentially this 16 percent requirement, then add that in. I think the idea that States can opt out is unfortunate, indeed. Obviously, many States have chosen to put in place their own renewable portfolio standards. Nothing in my amendment in any way overrides those States' proposals.

What we try to do with the proposal I put forward is to set a national minimum. We say you should at least do this 15 percent. If you want to do something else, have a go at it. If your laws provide for something else, then so much the better. But we do not say to States: You can opt out of any Federal requirement. I think to do so essentially eliminates any coherence we might have in the system.

Let me conclude my comments at this point by saying that my own reading of the proposal Senator DOMENICI has made here as a second-degree amendment to mine is that it really gets us to the worst of all locations in the debate or in our deliberations on this issue. It is a Federal program that does not result in the generation of electricity from clean energy sources beyond what otherwise would be expected to happen at any rate. But it does require utilities to go through very extensive efforts to track and buy and sell credits and comply with a regulatory regime. The Government would have to establish a credit-trading scheme, a tracking system, a monitoring system, regulations for implementation—a whole panoply of Government machinery—but they would do so in order to achieve a result that could have been achieved without the implementation of the proposed amendments.

So I think it would be an unfortunate provision for us to adopt. I hope my colleagues will agree with that and will vote against the Domenici proposal and, of course, as I said earlier in the debate, a vote in favor of the one I propose.

Let me conclude with that. I know my colleague may wish to speak some more, and I know there are others coming to the floor intending to speak as well, and there may be additional opportunities for me to add to these comments as the afternoon progresses.

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

Mr. DOMENICI. Mr. President, I would say to Senator BINGAMAN that I have nothing to say now for myself, but I did want to tell him there are a couple of Senators coming shortly. I know about the time they are coming. I don't want to speak before they come, but if Senator BINGAMAN wants to proceed rapidly, we could do that. It will be 15 or 20 minutes before they arrive.

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

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

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. 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.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator SNOWE from Maine be added as a cosponsor to the underlying amendment I have sent to the desk.

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

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

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

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

The Senator is recognized.

Mr. CRAIG. Mr. President, I will speak for a few moments. The Senator from Tennessee is here and waiting for some charts to visit about the issue that is before us, RPS versus CPS standards, that drive the marketplace toward cleaner fuels, renewable fuels, and a variety of different packages.

A few moments ago, I mentioned, when the Senator from New Mexico, Mr. BINGAMAN, produced a letter from the American Wind Energy Association, that in part I believe CPS, based on their point of view, had been somewhat mischaracterized by that letter. Now, here is someone who supports wind. The Senator from Idaho strongly supports wind. We see windmills, large windmills, going up across Idaho. The Senator from Tennessee would come out there and say: Oops, there goes the landscape. There goes the vista. The Senator from Idaho is a little concerned about that, too, because some of those beautiful high plateaus of Idaho are now being dotted with windmills.

At the same time, there is no question that wind remains a valuable source, and we are subsidizing it and supporting it. But I don't think we ought to bias the marketplace toward it entirely, and that is why you now see a new standard offered as a second-degree amendment called CPS, clean portfolio standard.

When I say that, let me make the point that is important, that I think is critical. The American Wind Energy Association, when they mischaracterized clean portfolio standard, did so in the following ways: The proposed CPS clearly requires carbon capture and storage. They say it does not. The word ''sequestration'' means carbon capture and storage, and you don't get a credit for it until you do it. I think that is clear. I think that was a mischaracterization. CPS clearly states that any additional clean technologies beyond already highlighted would require the Secretary of Energy to determine, if they apply through a rulemaking process. In other words, no easy rides and no opt-out.

We have 23 States that have some form of RPS, renewable portfolio standard. They have done it on their own. The Senator from New Mexico makes that point very clearly. There is a desire in our country today to move us toward renewables and a cleaner portfolio standard, but there is no opt-out in CPS. They come to the Secretary, and the Secretary certifies that which they already have, if it fits within the portfolio that is being proposed as a CPS. There is no State opt-out in that provision. CPS allows the States with existing clean portfolio programs to certify.

I think that is a very important and necessary statement to make. I don't

see that as an opt-out, I see that as conforming, giving credits to, and causing those who have already taken the initiative not to be penalized. It is arguable that the RPS that is being proposed in the Bingaman amendment would cause them to have to reshape or conform because they are all a little different or they couldn't gain as much credit under an RPS as they could a CPS. But that we don't know. What we do know is, no State opts out.

We are now talking about a Federal standard against a myriad of State standards in which 23 States have already established some form of renewable portfolio. There is no uniformity in that 23–State standard, so, as I said, it is very difficult to comply with the standard. CPS is flexible enough, that it will not allow States to opt out.

Deduct nukes from the base. By adding nuclear—new nuclear—we will have a much broader portfolio than I think Senator BINGAMAN's RPS. Adding nuclear does not detract from the accomplishments of that bill. It modernizes the bill. It brings us to where America's thoughts are today, not where America's clean thoughts started in the mid-1990s. Let's get modern.

Yes, there are a lot of interest groups that have vested interests in the old standard. There are a lot of interest groups in this town and around the Nation that move very slowly. They move the body politics of their organizations slowly so they have to argue what was then instead of what is now. What is now in the minds of the average American who looks at new technology is: Is it clean? And if it is clean, it is acceptable. If it isn't clean, it isn't.

Idaho is privileged at being right at the top of the States of the Nation in nonemitting sources, clean air, and less carbon. We are very proud of that—Vermont and Idaho. Last year, Idaho, a State that has largely accepted production in all forms, said no to a coal-fired plant. They said no because it wasn't as clean as they wanted it to be. But if it were a plant that could sequester, if it were a plant that were clean, and it was coal, why shouldn't it count today in a new standard?

Why shouldn't the marketplace incentivize cleanliness—nonemitting sources—instead of the old nonemitting sources of the past—wind and biomass? But biomass, under current technologies, emits some CO_2. It is much cleaner than most, but depending on the technology involved, is not a perfect form, if you will, compared to wind. But it is renewable, so under that definition, while it is not as clean as we would like it to be, and it will be in the future because it is renewable, it fits into the old standard.

I think those are profound arguments that bring us to where we are today. And I would like to say to the American Wind Energy Association: You are not disadvantaged under CPS, but you are not exclusive to the market. You have to share the riches of growth in a clean technology with other forms as they come along. Yes, you will be subsidized, but you will not have exclusivity.

I think for the West and for the marvelous open spaces and the vistas of the West, that is not all a bad idea. While I promote wind, and wind is now coming to Idaho, I don't think it ought to be exclusive in the market. As I have said before, and the maps have been shown, why disadvantage the Southeast? Why say to the Southeast you have to go buy it because you can't produce it? Let's give them an opportunity to be as clean as everyone else wants to be by giving them the advantages of all that is necessary.

Mr. BINGAMAN. Mr. President, I appreciate the comments of my friend and colleague from Idaho. I would just direct a question to him and see if I am confused or he is confused, or just where the confusion lies. He says there is not authority in the Domenici proposal, the clean energy proposal; that there is not authority for a State to opt out. Here is the sentence on page 9 of that legislation. It says:

> On submission by the Governor of a State to the Secretary—

That is the Secretary of Energy—

> of a notification that the State has in effect, and is enforcing, a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard under this section, the State may elect not to participate in the program under this section.

Now, that clearly states, as I understand it, that it is entirely up to the State whether it chooses to participate in the program or chooses not to participate in the program, and there is no discretion on the part of the Secretary of Energy about it at all. There is no certification required by the Secretary of Energy. There is no requirement that the State program meet any particular standard other than it contribute to the overall goals of the Federal standard.

To me, that means a State can opt out of the Federal program, unless I am misreading it.

Mr. CRAIG. Mr. President, I can't argue whether the Senator is or is not misreading. The intent is for the Secretary of DOE to certify that the State meets those standards, and if the State meets the standard that you and I would put forth, then why don't they have a chance to stand down for a time? It is a question of meeting the standard, not ignoring the standard.

Mr. BINGAMAN. Well, Mr. President, let me just reiterate that the clear language of the statute states if the State determines that it has a ''portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard, then the State may elect not to participate in the program.''

To me, that is a clear opt-out for the State. There is no requirement that anybody certify or anything else. If I were Governor of New Mexico, I could type up a letter, send it off to the Secretary and say we are opting out—include us out—and that clearly would let me out of the program.

So I don't think the bill says what the Senator has indicated.

Mr. CRAIG. Well, if it doesn't, I am one who would change that. It is clearly not my intent, nor I believe the intent of CPS, to allow States to opt out. It is to broaden the portfolio standard, not to opt out because I think, with 23 States now moving in that direction, there is a recognition of the value of some of this. If there needs to be a correction for your satisfaction as the chairman of the committee, I am certainly one who is willing to make that. But it was my understanding and my reading of the language that the Secretary of DOE has the right to certify, and in certifying could allow based on the standard met an opt-out.

Mr. BINGAMAN. Mr. President, I appreciate the comments from my friend. I would just say he is describing a provision in an amendment that is not before us. I want to point that out to my colleagues.

Mr. CRAIG. Mr. President, we obviously have a disagreement as to what is or is not. But I think we both agree on a principle that we have just talked about.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I think now would be a good time for a former Governor to enter the discussion with my two distinguished colleagues. I think the biggest compliment I have been paid in the short time I have been a Senator was by some Washington insider who said, ''Well, the problem with LAMAR is he hasn't gotten over being Governor yet.''

I have said to my constituents in Tennessee, ''If I ever do, it is time to bring me home.''

As I listened to the discussion between the Senator from New Mexico and the Senator from Idaho, I was greatly encouraged by the discussion of the Senator from Idaho until the very last part. I think there should be an opt-out. Why should there not be? What wisdom is there here in Washington, DC that is not there in state and local government?

When I was in Tennessee, I thought I was at least as smart as the Congress of the United States. I woke up every day trying to do what was best for my State. I fought for better schools, clean water, clean air, raising family incomes, paying teachers more. If I had to wait on Washington to do it, we would never have done it. I knew of a lot of people who flew to Washington and suddenly got smart, but I didn't think they were smarter than we were.

On issues of clean air, we Tennesseans, for example, feel like we care about it a lot. I live right next to the Great Smoky Mountains National Park. I grew up there. Five generations of my family are buried there. We have a great big clean-air problem.

I might say, both Senators from New Mexico are two of the very finest in our body in terms of their ability, intelligence, dedication, and purposes. I happen to have a little disagreement on this issue with Senator BINGAMAN from New Mexico, but let me go back to my point.

Growing up and living at the edge of the Great Smoky Mountains National Park makes me very aware of clean air and the need for it, which is why, 2 or 3 years ago, with Senator CARPER, I began to work in the Congress for stronger standards so we could do more in Tennessee. That is why, as Governor of Tennessee, I pushed ahead for more and why, as a citizen of Tennessee, I went to the Tennessee Valley Authority and encouraged them to adopt standards that would get more of the sulfur out of the air and more of the nitrogen out of the air. That is why I have encouraged the Governor of Tennessee to go further than the Federal Government is in getting mercury out of power plant emissions into the air, 90 percent instead of 70 percent. That is why I have been meeting with mayors and local county officials in Tennessee to clean the air. We care about it in Tennessee.

It is not necessarily true that it takes wisdom from Washington to cause us to want to have clean air or carbon-free air. Witness the fact that we are already on the honor roll of states leading the way in emissions-free electricity generation.

I see the Senator from Vermont, right in front of me, presiding. He should be very proud of Vermont as his state is No. 1 in the country in terms of carbon-free emissions. Vermont generates its electricity from forms that are free of carbon emissions. I assume that among Senator BINGAMAN's goals in the energy legislation before us is to encourage carbon-free emissions so that we can deal with climate change. I happen to be one of those who believe climate change is a problem and that human beings are a big part of the problem. I am ready to help deal with the problem.

But I think that we already are helping in Tennessee—that is my point. In this case, we need Washington to recognize what States are doing to solve this problem and not assume that a one-size-fits-all idea which might be good for New Mexico, or which might be good for North Dakota, also is good for Tennessee.

Tennessee is 16th in terms of carbon-free emissions. In other words, we produce about 40 percent of our electricity today from nuclear power and from hydroelectric power. All forms of power have their issues. Hydroelectric power means you dam up rivers. Some people don't like that. I have some problems with that, too, sometimes. With nuclear power, we have to get rid of the waste, and we have not solved that problem yet. But the one problem we have solved with hydro and nuclear is that they are clean in terms of emission—no carbon, no mercury, no sulfur, no nitrogen. That is 40 percent of the power in the Tennessee Valley Authority region, and in the State of Tennessee.

I might say: I have a great idea. I am now in Washington. I am not Governor anymore. I want to require everybody in America to have a 40-percent emissions-free energy standard, and the way they should do it is to have 33 percent nuclear power and 7 percent hydropower because that is my idea. That is the way we do it. So, North Dakota, have at it, start building nuclear plants, start damming up whatever river you have left. I have an idea. That is the way you should it.

I wouldn't say that because I believe in federalism. I believe that a lot of the best ideas come up from States toward the Federal Government. I have noticed how, over time, California has led the country in terms of clean air and clean water. I know Senator BINGAMAN's bill would permit us to go further in some ways, but it does not in other ways. What happens with the amendment from the Senator from New Mexico is this: Even though we are on the honor roll in Tennessee, and getting better—I mean, not only did the TVA just reopen the Unit 1 reactor at the Brown's Ferry Nuclear Plant, it is operating today at 100 percent capacity.

I will say a little more in a minute, if my colleagues will tolerate it.

The one wind farm we have in the whole Southeastern United States, the Buffalo Mountain Project in Tennessee, operated 7 percent of the time in August when we are all sitting on our porches, sweating and fanning ourselves and wanting our air-conditioners on, so wind energy doesn't help us in our part of the country. So we are at 40 percent emissions-free electricity generation. So how about a 40-percent portfolio standard for the whole country, with 33 percent nuclear power and 7 percent hydropower?

That probably wouldn't be fair to North Dakota. It might not be fair to some other States that have, as the brown color indicates on this chart here, a good bit of wind. They can use wind. They like wind. They don't mind having great big 300-, 400-, 500-foot white towers with flashing red lights you can see for 20 miles. If they want to see them, I guess that is their business. If they want them and it makes sense out there, fine. That is their State. But no more would I impose our formula for being clean on them than should they impose their formula for being clean on us. That is the problem with the Bingaman amendment, I respectfully suggest.

Here we are on the honor roll for being clean. We are getting better. TVA is thinking we might open a second nuclear reactor, maybe a third nuclear reactor. Maybe within 10 years—which in energy-producing time is a short period of time—we would be up to 40 percent of nuclear power, 7 or 8 percent of hydropower, and we might be in favor of making everybody do a 47-percent renewable portfolio standard based on our formula. We hope by that time that biomass, which is permitted under the amendment from Senator BINGAMAN, as I understand it, will increase in Tennessee. We have a great capacity, we believe, for biomass, especially as fuel for cars.

The President of the University of Tennessee was here this morning—Dr. Peterson—talking with me about a demonstration project they have, about ethanol plants that are planned there. We are right in the center of the nation's population. We have a lot of land. We have a good agricultural base. Switchgrass could replace the tobacco income we used to have in Tennessee. We used to have 60,000 to 80,000 farms with a little independent income up in the mountains like you have in the great northern kingdom of Vermont. That would be great for us, so we hope biomass really works.

We like solar. I am the sponsor of the solar tax credit that passed Congress 2 years ago. It is not enough, but I sponsored it. I got an award from the solar industry for being for that renewable power. I also worked with the Farm Bureau on renewable power called biomass. We have the largest production plant for solar technology in America in Memphis in the Sharp plant, producing the solar panels you put on your roof. We hope all this works. We even hope there might be maybe a solar thermal steam plant someday. It is not there today.

TVA needs 31,000 or 32,000 megawatts of power every year to provide us with clean, reliable, inexpensive electricity, and the potential for solar with the present technology, the TVA says, is less than a Megawatt. The solar industry would say it is more. What if it is five times more? What if it is 10 megawatts, or 20 megawatts? There is not sufficient potential in the next 10 years for solar and wind in the southeast—which I will show in a moment we have virtually none of—to meet this idea.

So, what do we get to do? We get to pay a big tax, a great big tax. What good does the tax do us? It comes out of our pockets. We send it to Washington, and we never see it again. How much is it? It is $410 million a year, according to the Tennessee Valley Authority's scientists, to meet Senator BINGAMAN's 15 percent renewable portfolio standard. That is real money. By the end of the ramp-up time in the Bingaman amendment, which is the year 2020, it would cost, according to the Tennessee Valley Authority, which supplies Tennessee with electricity, it would cost the ratepayers $410 million to do what, to pay a tax to Washington, DC. It wouldn't clean our air. We are already on the honor roll for emission-free electricity production. It would just increase our cost. In fact, that money might come from money we might otherwise spend to clean our air.

But here is what we could do with $410 million. We could give away 205 million $2 light bulbs and have the energy savings equivalent to two nuclear power reactors, or it would be the equivalent of 3,700 great big wind turbines that would stretch along all the scenic ridge lines in east Tennessee, and nobody would come to east Tennessee to visit, to see our mountains. Most people who live there would go hide under a rug so we wouldn't have to see these white towers with flashing red lights that you can see from 10 or 12 miles away instead of the mountains. We could pay the electric bill for every Tennessean for a month and a half each year with $410 million or we could purchase a new scrubber. We have some coal-fired powerplants. About 60 percent of our electricity comes from coal. TVA has done a fairly good job of cleaning up the air with that, but they have a long way to go. Sulfur scrubbers are the main thing they need. They are very expensive, and we could put a new one on every 9 months with $410 million cost per year. That is what we could better do with $410 million rather than send it up here to Washington, DC.

Here is a letter I got today from the mayor of Chattanooga, TN, Harold DePriest—not the mayor, president and chief executive officer of the power company in Chattanooga. I probably should let Senator CORKER read this letter since he used to be the mayor in Chattanooga. But he says:

> The Bingaman amendment, if enacted into law, would have an enormous adverse economic impact on our community. It would result in a two-cent per kilowatt-hour tax on all electric kilowatt hours that are used in the Chattanooga EPB service area. We have projected the cost burden that will be imposed upon those in our service area during the years 2010 through 2020. It appears the local government, local schools, the universities, businesses and all citizens (including those in fixed incomes and having a difficult financial time as it is) will have to pay the additional sum of more than $133,000,000 . . . over 10 years for their electrical service.

Those are the workers, and those are the businesses. When businesses come to Tennessee—when Nissan comes or Saturn comes, when Eastman thinks about staying—what is one of the things they want to know? Can we get reliable, low-cost electric power? Today, we can say yes.

Every time we add an unnecessary charge on that rate, we drive jobs out of Tennessee and we cause people who cannot afford their bills to pay them.

I believe Senator BINGAMAN would say, and I will let him say it on his own behalf, as we develop more renewable power or other forms of power—I am a big subscriber to this—we bring down the price of natural gas. I helped introduce a bill called the Natural Gas Price Reduction Act, and I worked with Senators BINGAMAN and DOMENICI to try to stimulate growth in other forms of power to bring down the price of natural gas. So he is absolutely right. If we create new forms of energy, we will have less reliance on natural gas, and we want less reliance on natural gas. We don't want to be using natural gas to make electricity.

As we say often: It is like burning the antiques to make a fire. So he is right about that. Why shouldn't we say but one other form is nuclear power. It is clean, it is reliable, and it is another form to consider. And the more we have it, the less natural gas we have to use.

I also have a letter from Huntsville. This is in Alabama. I would not want you to think I was only arguing on behalf of one State. Huntsville, Alabama. ''Dear Senator SHELBY,'' in this case. The letter goes on to talk about the severe penalties and the extra costs and the objection they have to this new tax.

I ask unanimous consent to have printed in the RECORD at this point the two letters.

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

EPB,
Chattanooga, TN, June 13, 2007.

Re Energy Bill—S.B. 1419.

Hon. LAMAR ALEXANDER,
U.S. Senator,
Washington, DC.

DEAR SENATOR ALEXANDER: I am writing out of concern for the citizens of the greater Chattanooga area who receive their electrical service from the Chattanooga Electric Power Board (''Chattanooga EPB''). We understand that debate is presently taking place on Energy Bill, S.B. 1419. We also understand that Senator Bingaman will propose an amendment to the Energy Bill that will, in our opinion, have severe financial consequences upon the citizens of the greater Chattanooga area, who are served by Chattanooga EPB in Hamilton County, and parts of Bradley, Marion, Sequatchie, and Bledsoe Counties.

We at Chattanooga EPB are asking that you do everything in your power to oppose the Bingaman Amendment, and to encourage your fellow Senators to also vote ''no'' with you to defeat it. We do not oppose energy conservation or the use of renewable resources. But the Bingaman Amendment is not the right way to get it done.

The Bingaman Amendment, if enacted into law, would have an enormous adverse financial impact upon our community. It would result in a two-cent per kilowatt-hour tax on all electric kilowatt hours that are used in the Chattanooga EPB service area. We have projected the cost burden that will be imposed upon those in our service area during the years 2010 through 2020. It appears that local government, local schools, the universities, businesses, and all citizens (including those in fixed incomes and have a difficult financial time as it is) will have to pay the additional sum of more than $133,000,000 (collectively as a group) over 10 years for their electrical service.

The frustrating part of the Bingaman Amendment, if enacted into law, will be the injustice imposed upon our community. There are several states that are blessed with plentiful resources of renewable energy. These states would receive favorable treatment under Senator Bingaman's Amendment, whereas we in Tennessee and the TVA Region would not. We here do not have the same abundant renewable resources available to us. In effect, we are penalized, and penalized significantly, simply because of geography.

One reason that Chattanooga EPB is in such a difficult situation under the Bingaman Amendment, as contrasted with utilities in some other parts of the country, is that the amendment is directed at utilities that have their own generation. Because the Tennessee Valley Authority supplies all requirements needed to for the Chattanooga EPB service area, and has an all-requirements contract with Chattanooga EPB, it is impossible for Chattanooga EPB to meet the requirements of the Senator Bingaman's renewal portfolio standard (''RPS'') amendment to S.B. 1419. Senator Bingaman's Amendment requires that utilities such as Chattanooga EPB obtain 15 percent of energy sales from new renewable sources by the year 2020. While Senator Bingaman's Amendment does allow an option for Chattanooga to buy renewal ''credits'' from U.S. Department of Energy, it is at the two-cent per kilowatt-hour rate in order to meet the RPS that the Bingaman Amendment would dictate.

We would appreciate your exerting all efforts within your power to defeat this horrific renewal energy ''tax''; and that you oppose, argue against, vote against, and secure all of the assistance that can be mustered from your fellow Senators to see that this Amendment is not enacted into law.

I am available if there is any additional information that we can supply to you in your efforts to help us.

Sincerely yours,
HAROLD E. DEPRIEST,
President and Chief Executive Officer.

HUNTSVILLE ELECTRIC UTILITY BOARD,
June 12, 2007.

Hon. RICHARD C. SHELBY,
U.S. Senate,
Washington, DC.

DEAR SENATOR SHELBY: The Senate is now debating an amendment to the Energy Bill, specifically a Renewable Portfolio Standard (RPS) Amendment. This amendment requires all electric systems that sell more than 4 million megawatt hours of energy a year to generate specific percentages of their load profile from renewable resources. By 2010, Huntsville Utilities would have to have 3.75% of its load coming from renewable generation sources (solar, wind, etc.); by 2013, 7.5% of the load from renewable generation; by 2017, 11.25% and by 2020, 15% of load coming from renewable generation.

Huntsville Utilities is under a long-term, 100% contract with TVA and is prevented by contract from developing its own resources and from purchasing any form of energy supply from any other power supply vendor. Further, Congress would have to pass laws that would allow Huntsville Utilities to use the TVA transmission system to bring in power from other power supply vendors.

Severe penalties are levied for not meeting the Renewable Portfolio Standard. Penalties to Huntsville in 2010 would be $4.2 million; in 2013, $8.8 million; in 2017, $14.1 million, and in 2020, $19.8 million.

Huntsville Utilities depends on TVA to provide renewable energy resources, since it is prohibited from generating our own energy, or purchasing energy from other power providers by the TVA contract.

Penalties in 2010 of $4.2 million for not meeting the standard are nothing more than a tax on the citizens of Huntsville. Huntsville Utilities is being placed in a no-win situation if this standard passes.

Huntsville Utilities is a public power system which is non-profit and receives all of its energy resources from TVA, which is a public power generation and transmission provider to its 158 captive customers. Huntsville Utilities needs to be exempted from the provisions of the Renewable Portfolio Standards (RPS). TVA needs to be the provider of

these renewable energy resources to its customers.

TVA's hydro and nuclear generation systems need to be used as a replacement for solar and wind, since hydro and nuclear energy generation are non-polluting.

Thank you for your consideration.

Sincerely,

RONALD W. BOLES,
Vice Chairman.

Mr. ALEXANDER. Mr. President, I see some other Senators on the floor. I see Senator DOMENICI, Senator DEMINT, and there are other Senators here. But I want to wind up my comments in this way with a couple of pictures to summarize the point.

It is a laudable goal to move us as rapidly as we can to renewable energy. But we should allow the States to move in ways that fit those States. So I think there should be an opt-out for States. I think Tennessee should be able to say: We have a 40-percent clean power standard, but it is nuclear and hydro. We are working hard on biomass. As soon as we get that going, we will have 50 percent. But we do not have sufficient wind resources not located in our scenic mountains. In addition, wind is enormously subsidized. We will be getting more to that this year.

Let's put up this chart.

TVA looked all around for a place to locate the first and only utility scale wind energy project in the southeast. First they looked down on Lookout Mountain. The people there spent 30 years restoring the natural beauty to this historic location. They did not want to see a 400-foot tower they could see from the whole area up there. So they finally put it on Buffalo Mountain, which is also a beautiful place.

Here is what it looks like. They had hoped the wind would blow so that it would produce 35 to 38 percent of the turbines rated capacity. It operates 19 to 24 percent of the time; 7 percent in August. What most people miss with wind power is you use it or lose it. So if the wind is not blowing, your air conditioner is off.

Even though you have these large wind towers all up and down every ridge top in Tennessee, even if you had them, you would still need a dependable powerplant. Wind turbines do not replace your base load.

Here is what it looks like in West Virginia, which is north of us. It is a different point, but this makes strip mining look like a decorative art. I mean this ruins, in my view, the tops of mountains.

Why would we insist on that with Federal requirements to have a State that is already on the honor roll for clean power? There are other ways to do this rather than raise our rates, raise our taxes, drive jobs away, or ruin our landscape.

I appreciate the chance to talk about this. Wind already is highly subsidized too. The best facts I have suggest we will be spending $11.5 billion between 2007 and 2016, already obligated in taxpayers' money, to build these big wind turbines in Tennessee, which in Tennessee operate 7 percent of the time in August. They do not produce much power either. There are proposals on the Senate floor to extend the federal subsidies for wind power.

So back to this wind project, TVA pays 6.5 cents for every kilowatt-hour produced by this wind project. The taxpayers pay them another 2.9 cents, in effect, for the production tax credit; that is 9.4 cents for each one here, and this would have the whole Southeast running around looking for wind developers to buy further credits from. We should all retire from the Senate and go in the business, it looks like, if that is what we want to do.

But here is my main point, let's respect Federalism, let's honor those States that are on the honor roll. Let's honor Senator BINGAMAN for wanting to encourage renewable energy. But Senator DOMENICI, I would respectfully say, has a better idea. He would allow new nuclear power, for example, to be a part of the mix.

My final comment would be this: As climate change has become more of a concern, and people say we are going to have to deal with it in this generation, we have looked for ways to create large amounts of clean energy. There are only two or three ways to do that.

The first is conservation and efficiency. We have barely scratched the surface. But the second is nuclear power. Seventy percent of our carbon-free electricity in America today is nuclear power. So why would we exclude that from any standard that allegedly wants us to have carbon-free energy? It does not make much sense to me.

I respectfully oppose the suggestion of the Senator from New Mexico, Mr. BINGAMAN. I honor his service here. I honor his motives here. But I think he has a solution looking for a problem. The problem is, we do not have any wind in our part of the State, and a wind portfolio standard simply does not work. It puts a big tax on us we do not need to pay, do not want to pay, does not do us any good.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I yield 50 seconds of my time to Senator DEMINT.

Mr. DEMINT. I thank the Senator. I will yield back to him immediately.

Mr. DOMENICI. Would you yield 30 seconds to me? Would that be acceptable to you?

Mr. VOINOVICH. That is fine.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator LAMAR ALEXANDER, who gave about a 20-minute speech or 25, whatever it was, that I truly commend you on your understanding of both the problem and the attempted solutions here and the differences between the Bingaman amendment and mine. The way you present it is laudable. I thank you for that.

I yield the floor.

Mr. DEMINT. Mr. President, quickly, I wish to make a request of the chairman. I understand the current amendment will not be finished until tomorrow. I wanted to get one amendment pending. I ask unanimous consent to send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, I do object. I believe we need to complete action on the two pending amendments before we take up any other amendments or have other amendments pending. Obviously he can send anything he wants to the desk, but as far as calling up any amendment for consideration, I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. VOINOVICH. Mr. President, I understand Senator SALAZAR is waiting here. I will not be long. I appreciate his patience.

First, I associate myself with the words of the Senator from Tennessee, Mr. ALEXANDER. I thought he did a fantastic job of outlining why this proposed renewable portfolio standard is not in the best interests of the United States of America. I strongly oppose it because it has not taken into consideration the adverse effects on States that depend heavily on coal, such as my home State of Ohio.

I also mention that we have looked at wind power for our utilities. If they could use wind power they would be using it, because not only would it be something that would be better taken by the citizens of Ohio, but it also would associate them with being more green. They are interested in doing that. But the fact is we do not have the environment for that to occur. So I think even though this proposal is well intentioned, and I share his concern about reducing greenhouse gases, I believe his proposal will cause great economic distress for minimal benefit.

What we need to do when we are looking at these things is ask, what benefit are we going to get out of it, and what are the costs? Figure it out. A one-size-fits-all Federal RPS mandate ignores the different economic needs and resources of the individual States. There are significant regional differences in availability, despite renewable energy resources.

Even among the States that have an RPS, all have chosen to add technologies that are not usually included in a Federal RPS. Because many of the utilities will not be able to meet an RPS requirement through their own generation, they will be required to purchase renewable energy credits from some other company. Thus, a nationwide RPS mandate will mean a massive wealth transfer from electric consumers to States with little or no renewable resources, such as Ohio, to the Federal Government or to States where renewables happen to be more abundant.

In my State of Ohio, we rely on coal. Eighty-eight percent of our electric

generation comes from coal. It is estimated that the proposal would increase retail electricity prices by 4.3 percent, a total of a $12.8 billion cost to consumers by 2030. The 4.3 percent may not seem like a high increase to many, but to a family of four on a fixed income, this is a huge increase. These families may have to make a decision between paying their winter heating bills or putting food on the table for their families.

I recall a couple of years ago, before the Environment and Public Works Committee, Tom Mullen of Cleveland Catholic Charities described the direct impacts of significant increases in energy prices on those who were less fortunate. This is a quote. He said:

> In Cleveland, over one-fourth of all children live in poverty and are in a family of a single family head of household. These children will suffer further loss of basic needs as their moms are forced to make choices of whether to pay the rent or live in a shelter; pay the heating bill or see their child freeze; buy food or risk the availability of a hunger center. These are not choices that any senior citizen, child, or for that matter, person in America should make.

So, in effect, if we pass this renewable portfolio, for people who live in my State—and maybe I am being a little bit selfish about the people I represent, but the fact is this is going to increase their energy bills. For those who are poor, for those who are elderly and on a fixed income, this is significant.

Another aspect which I think we forget about is Ohio is a manufacturing State. We are on the economic fault line. I wish our economy were as good as the rest of the States in this country. We have the same problem Michigan has. Energy costs are a huge concern of our manufacturers, who use 34 percent of the energy consumed in our economy. Due in large part to increased energy prices, the United States has lost more than 3.1 million manufacturing jobs since 2000, and my State has lost nearly 220,000 jobs.

I will never forget in 2001 when we had the big spike in gas prices. I believe that was the beginning of the recession in the State of Ohio. Many of those small companies never recovered because, for example, in my city, natural gas costs have gone up over 300 percent since 2000. Think about that, the impact that has. Then you add another burden on top of that. Rather than enacting an artificial RPS, which will increase costs to our utilities and consumers, we need to be spending this money on the development of technology to reduce our greenhouse gases.

The cost of the RPS to utilities and ratepayers will be better spent on funding the programs we authorized in the Energy Policy Act of 2005, such as carbon sequestration and IGCC technology, which, as most of us know, are not receiving the appropriate funding today.

It is clear we must get serious about partnerships and strategies that maximize Federal funding. We have got to look at how much money we are going to raise and where can we get the biggest return on our dollars. I do not think RPS does that.

It is critical that policymakers work in conjunction with the scientific community to develop policy solutions that are in the best interests of our State and Nation. For instance, one area requires further research to capture greenhouse gases and sequester carbon dioxide so we can continue to rely on coal for energy. We are the Saudi Arabia of coal. We have 250 years of that supply. For the past few years I have called for a ''Second Declaration of Independence,'' independence from foreign sources of energy, for our Nation to take real action toward stemming our exorbitantly high oil and natural gas prices. Instead of considering them separately, we must harmonize our energy, environment, and economic needs. This is an absolute must as we consider any additional solutions to address global warming and other environmental problems.

I have been here, this is my ninth year. I have been on the Environment and Public Works Committee for 9 years. The problem in the Senate and in the House is that the environmental, the energy, and the economic people don't get together and put each other's shoes on and figure out how we can work together to not only do a better job of cleaning up the environment but utilizing the scarce dollars that are available to make a difference.

This is an idea of the costs for Ohio. For example, American Electric Power which, while I was Governor, put on a $650 million scrubber to reduce their NO_x and SO_x, it is going to cost them $3 billion between 2010 and 2030; First Energy, $3.18 billion to $4.6 billion; Duke—this is also another provider of energy—$1.6 billion.

Let's take the Timken Company, the heart and soul of Camden, OH. Their incremental cost of electricity under a 15-percent RPS will exceed $20 million per year. They say:

> We would not expect to recoup most of this increased cost through price increases due to the global competition that we face. Adoption of a mandatory RPS would clearly place The Timken Company at a competitive disadvantage vis-a-vis our foreign competitors, further eroding already slim profit margins, and placing increasingly more jobs at risk.

We really ought to think about what we are doing here today. I don't think what we want to do is advantage one area of the country by having a cost increase in another part of the country and see a massive shifting of resources. What we should do is look at the big picture and figure out, as Senator ALEXANDER pointed out, where do we put our money where we can get the greatest return on our investment. I sincerely believe this isn't the way to do it. Why would we want to do something that will take a State such as Ohio, that is 80 percent reliant on coal, and basically tell our utilities: Folks, you are going to have to buy renewable energy from somebody else, pay the money out, and then increase your rates, increase the rates to the folks in our inner cities, when they could be taking that same money and putting more of it into, for example, ISGC, the integrated gas-combined cycle. AEP is going to build a 1,000-megawatt plant that is going to cost an enormous amount of money. That is where they should be putting their money. They should be putting their money into technology so that we can capture carbon and sequester it.

Those are the things that would really make a difference. We are fooling ourselves to say we are going to pass this legislation, and it is going to make a big difference. I argue that it is going to make little difference, and we could spend our money on things that are going to make more of a difference in terms of cleaning up the environment and dealing with some of the problems we all know this country faces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, let me start by thanking Senator BINGAMAN, chairman of the committee, and Senator DOMENICI, ranking member, for their fine work in producing the Energy bill before us today. This energy legislation is important for our country as we move toward energy independence. It is strong on alternative fuels. It is strong on energy efficiency. Through the work of the Commerce Committee, it has strong CAFE standards that will make all the difference in the world in terms of how we use transportation fuels. It also begins to do some important work with respect to carbon sequestration. This is good legislation. The amendments and debates we are having hopefully will build on that good legislation to get us to the point where we can deliver to the President a good bill.

The President said in his State of the Union that one of the things he wanted us to work on was moving forward to get rid of our addiction to foreign oil. It is our hope that by working together in a bipartisan fashion, as we did in the Energy Committee, we will be able to move forward with respect to reaching that vision of energy independence for the United States.

Let me say that I am here to speak in support of the Bingaman proposal which I am cosponsoring on a renewable electricity standard for the Nation. Let me at the outset say, we in the Congress, we in the Nation should not be afraid. We should not be afraid of having a robust renewable electrical standard, called an RES, a renewable portfolio standard. There will be significant benefits that will help our economies. It will help rural communities, it will help our environment, if we have a robust national standard for renewable electricity.

Some may say: How do you know that? I have heard my colleagues on the other side of this amendment arguing that we don't need a national

standard because it will harm particular States or areas. There were lots of people in my State in Colorado in 2004, just a short 2 years ago, who made the same argument, that if we passed an RPS in my State of Colorado in 2004, we would see a parade of horribles coming down the pike.

Well, in 2004, the voters of Colorado decided on their own they were going to take this measure to the voters of the State, and they passed a renewable portfolio standard of 10 percent by the year 2015. Because Colorado's efforts have been so successful in the last 2 years, the general assembly this year decided to double that standard to 20 percent by the year 2015. What had been the parade of horribles has not been a parade of horribles in Colorado with respect to the RPS. It has been a parade of celebration with respect to what we have been able to accomplish on the ground.

Let me refer to two very significant economic facts and initiatives within our State. One relates to wind. Two years ago, we had a very small wind farm. It produced just a few megawatts of power. That was 2 years ago. Fast-forward to today. Because of the RPS, in Colorado, today we now have four major wind farms in operation. We have two more wind farms currently under construction. By the time we finish a year from now, those wind farms will be producing 1,000 megawatts of electricity.

Let's put that in a context so people can understand what we are talking about with respect to 1,000 megawatts. One thousand megawatts is about the equivalent of what we would produce with three coal-fired powerplants. We were able to do that with the power of the wind in less than 2 years.

What has been the benefit for Colorado? First and foremost, we are contributing to the economy of our State because there were counties, such as Weld, Logan and Prowers Counties that I refer to as forgotten America because they have such limited opportunities out in those rural communities that struggle on the vine every day. What has happened is the RPS has injected a new economic vigor into those rural communities. It is something about which the bankers, Democrats and Republicans alike, are all very happy and excited. It is something about which the school boards are very excited as well because it has brought significant additional tax revenue into the coffers of some of the rural school districts that suffer from not having enough money for schools or for other public needs.

It also has made sure the people of Colorado understand that they are contributing to the environmental security of our Nation. We are past the debate in this Nation as to whether global warming is a reality. The people in my State recognize they are making a significant contribution to dealing with the issue of global warming because they passed an RPS which has been a good RPS. In fact, it has been so good in terms of acceptance by the people of Colorado, almost without a whimper the requirement was doubled this year so that now we in Colorado will be producing 20 percent of our electricity from renewable energy resources by the year 2015. That is not a long way away. We are not talking 2050 or 2040. We are already at 2007. So within 8 years in Colorado, we are going to be producing 20 percent of our energy from renewable energy resources.

It is not just wind. I come from what is one of the most remote and rural, poorest areas in the United States. The place is called the San Luis Valley. It is a place where you have to struggle to make a living. But it is a place also that is embracing the new ethic of renewable energy, driven in large part by the renewable portfolio standard we have in Colorado. Because of that RPS, the largest utility in our State, Xcel, has broken ground on the largest solar utility generator in the United States. That solar electrical utility farm, which is now under construction in my native valley, is creating jobs for the people of the valley. It is something we are very proud of.

With the advances being made in solar technology, there is no reason in most of our States we would not be able to create a robust addition for our electrical needs that actually is powered from the Sun.

Our experience in Colorado with respect to a renewable portfolio standard, a renewable electrical standard, has been an absolutely positive one. It was one that was approached with some trepidation a few years ago. Today it is wholly embraced. I ask my colleagues in this Chamber today to look at the RPS as something that, in fact, is a great opportunity for the people of this country. If it worked for the State of Colorado, it can also work for the rest of the Nation.

Let me also say that Colorado is not alone. If you look at a map of the United States and look at all of the States that have passed a renewable portfolio standard, they are from all parts of the country. We now have at least 22 States that have adopted their own renewable portfolio standard. So if we have 22 States plus the District of Columbia that have already adopted a renewable portfolio standard, does it not make sense, instead of having a patchwork of regulation from one State to another, where you essentially have no RPS in one and a different RPS in another, that we have a national standard? From my point of view, it does.

The mechanism that has been set forth by Senator BINGAMAN in this legislation will allow us to have that renewable portfolio standard and also will allow us to take into account the different renewable resources for electrical production that we have from State to State. I am very hopeful that the RES before us will ultimately make it into law.

Let me talk a little bit about the primary benefits I see from this RES. The first is that it will bolster our renewable energy production by creating certainty in renewable energy markets. With an RES, producers, developers, and manufacturers know that there is a guaranteed market for renewable electricity. They make long-term investments in infrastructure and renewable energy development when they know that certainty is there, and that is what this national RES will provide. That added stability will result in a second major benefit. That is an economic benefit both to consumers and to communities that assist in production.

As I said, in my State consumers who have been participating in a program that Xcel has provided on a voluntary wind energy program have saved a total of $14 million in 2004 and in 2005. A 2005 study of the Energy Information Administration found that a modest national renewable energy standard of only 10 percent—only talking in 2005 about 10 percent by 2020—would result in savings to consumers of $22.6 billion.

We are going to do better than that here because our RES we are proposing is 15 percent. Meanwhile, communities particularly rural communities, thrive with new jobs, with new infrastructure, and a new economy that is built on invention and investment.

The Union of Concerned Scientists estimates that a national renewable energy standard of 20 percent by 2020—we are not proposing that we be that ambitious in this particular amendment—that a 20-percent by 2020 standard would spur $72.6 billion in new capital investment, with $16 billion in income to America's farmers and ranchers, and $5 billion in new local tax revenues for rural communities. That is a terrific shot in the arm for parts of our country that are dying for these kinds of opportunities.

Thirdly, a national renewable electricity standard will enhance our environmental security and take an important step toward reducing our carbon emissions. If we were to pass a renewable electricity standard of 20 percent by 2020, we would reduce emissions of carbon dioxide by more than 400 million tons a year—that is more than 400 million tons a year. That would be equal to taking 71 million cars off of America's roads or the planting of 104 million trees in our country.

We know an RES by itself will not solve the global warming problem, but it is, in fact, a significant step in the right direction.

I want to, once again, thank Chairman BINGAMAN for his leadership on this amendment. It is an important addition to this bill and a leap ahead for our Nation's energy security.

It is, at the end of the day, an effort for all of us to embrace a clean energy economy for the 21st century. A clean energy economy for the 21st century is one of the imperative issues that we can grasp on, we can discover on, on a

bipartisan basis, for America, and we can do it now in 2007. It is not something for which we have to wait until 2010 or 2011. It is something we can do now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed just for a few minutes as in morning business.

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

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Minnesota for her courtesy in allowing me to go forward.

WHITE HOUSE SUBPOENAS

Mr. President, the reason I speak on this sort of stage—instead of doing a press conference and calling every one of you about it—today I have issued, on behalf of the Senate Judiciary Committee, subpoenas to the White House in connection with our investigation into the firing of U.S. attorneys around the country. I have spoken recently with Mr. Fielding, the White House Counsel, and I have consulted with the ranking Republican on the committee. Regrettably, to date, the White House has not produced a single document nor allowed White House staff to testify, despite our repeated requests for voluntary cooperation over the last several months.

The White House's stonewalling of the congressional investigative committees continues its pattern of confrontation over cooperation. Those who bear the brunt of this approach are the American people, those dedicated professionals at the Department of Justice who have tried to remain committed to effective law enforcement in spite of the untoward political influences from this administration, and, thirdly, the public's confidence in our justice system. That is why I believe we have to do everything we can to overcome the administration's stonewalling and get all the facts out on the table—get the facts out so Republican Senators and Democratic Senators and the American people can see what the facts are.

Actually, the White House cannot have it both ways. They cannot stonewall congressional investigations by refusing to provide documents and witnesses—or saying they might let witnesses testify behind closed doors, with no transcript, no oath, which neither Republicans nor Democrats would ever accept—but then simultaneously claim that nothing improper ever happened. The involvement of the White House's political operation in these matters, including former Political Director Sara Taylor and her boss Karl Rove has been confirmed by information gathered by congressional committees.

Some may hope to thwart our constitutional oversight efforts by locking the doors and closing the curtains and hiding things in their desks, but we will keep asking until we get to the truth.

The House Judiciary Committee, led by Chairman CONYERS, is likewise issuing and serving subpoenas today. He makes the point that these subpoenas are not merely requests for information; they are lawful demands on behalf of the American people through their elected representatives in Congress.

So we will issue and serve three subpoenas today—two seeking the documents and testimony of Sara M. Taylor, the former Deputy Assistant to the President and Director of Political Affairs, and another seeking White House documents relevant to the panel's ongoing investigation.

Incidentally, Senator SPECTER and I had written to Ms. Taylor asking for voluntary cooperation. We did this more than 2 months ago, on April 11, so there would not be any need for a subpoena. We asked for voluntary cooperation. Well, that did not go very far.

As I noted in my cover letter to the new White House Counsel, Mr. Fielding, I have sent him a half dozen previous letters during the past 3 months seeking voluntary cooperation from the White House with the Senate Judiciary Committee's investigation into the mass firings and replacements of U.S. attorneys and politicization at the Department of Justice.

It is now clear from the evidence gathered by the investigating committees that White House officials played a significant role in originating, developing, coordinating, and implementing the plan and the Justice Department's response to congressional inquiries about it. Yet to date the White House has not produced a single document or allowed even one White House official involved in these matters to be interviewed.

It has been 2½ months since Republican and Democratic members of the Senate Judiciary Committee rejected their take-it-or-leave-it offer of off-the-record, backroom interviews with no followup. We said it was unacceptable.

We have offered to try to work these things out. They have stayed the course: Take it or leave it. Take it or leave it: a backroom, closed-door meeting, with no transcript and no oath. Mr. President, I will leave that one quickly. As I told the White House Counsel, I would be subject to legislative malpractice if I were to ever accept on the part of the Senate such an offer.

Ironically, Mr. Rove and the President have had no reluctance to comment publicly that there was, in their view, no wrongdoing and nothing improper. But they won't even tell us what they base that on. They cannot have it both ways. Their continuous stonewalling leads to the obvious conclusion they have something to hide. Because they continue their refusal, I issued these subpoenas.

So we formally demanded—this is what it is—production of documents in the possession, custody, or control of the White House related to the committee's investigation into the preservation of prosecutorial independence and the Department of Justice's politicization of the hiring and firing of U.S. attorneys.

The documents compelled by the subpoena include documents related to the administration's evaluation of and decision to dismiss former U.S. attorneys David Iglesias, H.E. ''Bud'' Cummins, John McKay, Carol Lam, Daniel Bogden, Paul Charlton, Kevin Ryan, Margaret Chiara, Todd Graves, or any other U.S. attorney dismissed or considered for dismissal since President Bush's reelection, the implementation of the dismissal and replacement of the dismissed U.S. attorneys, and the selection, discussion, and evaluation of possible replacements. They have yet to be explained.

Among these documents are documents related to the involvement of Karl Rove, Harriet E. Miers, William Kelley, J. Scott Jennings, Sara M. Taylor, or any other current or former White House employees or officials involved in the firings and replacements, as well as documents related to the testimony of Justice Department officials to Congress regarding this matter—part of the reason being: What did they tell the Justice Department to say or, even more importantly, not to say. Of course these would include the purportedly ''lost'' Karl Rove e-mails that should have been retrieved by now and should now be produced without further delay.

The distinguished Presiding Officer may remember when I said—at the time when they said those were all lost and erased—Well, you could not erase them. Of course they could be found. The White House dismissively said to we computer experts up here: Of course they had been lost. Gee whiz. Golly. Guess what. They seem to have been in a backup hard drive—like the e-mails for all of us are, like everybody knew they were, and notwithstanding the condescending, misleading statements of the White House Press Secretary's Office. Of course the e-mails were there.

I am just disappointed that now that it turns out they were not lost like they claimed they were we still do not have them. We have to go to subpoenas to obtain information needed by the committee to fulfill our oversight responsibilities regarding the firings and the erosion of independence at the Justice Department—probably the greatest crime here. But the evidence so far—that White House officials were deeply involved—leaves me no choice, in light of the administration's lack of voluntary cooperation.

Mr. President, I thank, again, the distinguished Senator from Minnesota for yielding. I know she was to go first. I yield the floor to the distinguished senior Senator from Pennsylvania, the man who probably understands the necessity of subpoenas better than anybody else in this body.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, first, I thank the Senator from Minnesota for yielding. I know she yielded to Senator LEAHY; and Senator LEAHY, the chairman of the Judiciary Committee, has made some comments which I think I ought to supplement.

I believe when you have the subpoena issued for Ms. Sara Taylor, the White House staff, it is appropriate at this time. A letter was sent to Ms. Taylor on April 11 requesting testimony and documents, and there has been no response.

It is my hope, as I have said at Judiciary Committee meetings, executive sessions, that we will yet be able to work this out with Ms. Taylor on a cooperative basis without any further controversy.

The enforcement mechanism of the subpoenas is very lengthy. The last time it was undertaken, with the conflict between congressional oversight and the White House, it took more than 2 years. That would take us into 2009, after the election of a new President.

I think with respect to the subpoena to former White House Counsel Harriet Miers, there again the request went out some time ago, and they have not been forthcoming, and I think it is appropriate to proceed—again, in a manner which looks toward conciliation, looks toward resolving it without controversy.

I talked again today to White House Counsel Fred Fielding on the question as to how we are going to obtain testimony from executive branch officials who are high up in the White House, and the President made a televised statement some time ago setting forth the acceptable parameters from the President's point of view. After reflecting on it and talking to members of the Judiciary Committee—both Democrats and Republicans—I think that most of what the President wants can be accommodated.

He does not want his officials, his employees, put under oath. My preference would be to have an oath, but I would not insist on that because the testimony would be subject to prosecution under the False Statements Act, 18 United States Code 1001.

He does not want to have the sessions public. My preference again would be to have them public, but I would not insist upon that.

He does not want to have the officials come before the Senate Judiciary Committee, then before the House Judiciary Committee, and I think we can accommodate that, having members of both committees—both Democrats and Republicans—in a manageable group to obtain the necessary information.

The one point where I think it is indispensable is that we obtain a transcript. If you don't have a transcript, people walk out of the room in perfectly good faith and have different versions as to what happened. I think it is in the interest of all sides to have a transcript. It is in the interest of congressional oversight so we have it precise, so we can pursue questions and have them in black and white and know where we stand. It is important for the people whose depositions are being taken that it be written down, too, so nobody can say they said something they didn't say because we know what they said when it is transcribed. I am pleased to say to the distinguished Presiding Officer, the Senator from Rhode Island who is nodding in the affirmative, as a former U.S. attorney, attorney general, and one who has had experience with transcripts, as has the chairman and I, it needs to be written down.

I hope we can accommodate the competing interests here. There is no doubt there are very important issues involved: The request for resignations from the U.S. attorneys and the reasons why they were replaced. There is no doubt the President has the authority to remove all 93 U.S. attorneys without giving any reason. President Clinton did that at the beginning of his term in 1993. I think it is equally clear the President can't replace people for bad reasons. There is a suggestion of pressure on the U.S. attorney from San Diego that she was going after some of former Congressman Cunningham's associates, who is serving an 8-year sentence, and that pressure was put on some other U.S. attorney in some other direction for an improper purpose, and that is an appropriate question for congressional oversight. We had a lengthy and heated debate earlier this week on the resolution to say the Senate has no confidence in the Attorney General. That was defeated on procedural grounds.

But the issue of the operation of the Department of Justice is not yet finished. This inquiry is very important. Next to the Department of Defense, which defends the homeland and is our military defense, next in line is the Department of Justice, which deals with terrorism, deals with drugs, deals with violent crime and that department has to function in the interests of the American people. And getting to the bottom of this investigation is important for that purpose. So I wanted to appear to make these brief comments, following the statement by the distinguished Chairman. I thank the Senator from Minnesota.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, last Wednesday I came to the floor and introduced legislation that would place the country on a path toward a better energy future by requiring that 25 percent of our Nation's energy, our Nation's electricity, come from renewable sources. This made sense to me because this is what we do in Minnesota. As my colleagues know, all good things come from Minnesota.

But today, Senator BINGAMAN has introduced an amendment requiring that 15 percent of our Nation's electricity come from renewable sources. I also support Senator BINGAMAN, and I am a cosponsor of Senator BINGAMAN's 15 percent standard by 2020. That is because I believe our country is headed down the wrong energy path, and we need to take it in a new direction.

I can't tell my colleagues the number of times I hear from businesses in my State, including manufacturing companies, about the high costs and how they want to get some new possibilities and a new direction with where their energy comes from. The money issue is one thing you hear about from individual consumers, that you hear about from businesses, but there is also the effect it is having on the environment. Both the Presiding Officer and I serve on the Environment Committee. We have heard countless accounts from scientists from all over this country, from major CEOs of large businesses in this country, about the change we are seeing in our climate and about the chance we have to do something about it.

So I have to tell my colleagues, in my State I also hear from regular people. I hear from hunters who see a change in the wetlands. I hear from people on Leech Lake who say it takes a month later, a month longer than usual to put their fish house out. I hear from kids wearing little penguin buttons. I hear from city council members in Lanesborough who are changing out their light bulbs. I hear from venture capitalists in Minneapolis who want to get some standards in place so they can invest in this new green technology. I hear from people up in Grand Marais, MN, where I visited 2 weeks ago. This area has had tragic fires. When we saw those fires going on in California, they were also raging in northern Minnesota and up into Canada. Nearly 200 buildings were downed by this fire in our State—some of them beautiful homes—homes that have been in families for years and years and years, rustic cabins and businesses. Of course, the people who gathered to meet with me had immediate problems. There was no phone service to many of these places. Many of the lodges that rely on tourism were having trouble even taking orders. But in the middle of all this, with these scarred forests surrounding us, there were people who wanted to talk about climate change, including ski resort owners who had seen a dramatic drop in their profits when we have had less snow and people who were very concerned about their businesses and the future of this country.

So this standard is not only important for investing in our country for more jobs and putting a renewable standard in place that will spur investment, it is also important for our country's future and our environment.

A strong renewable energy standard is good policy. Let's look at where our electricity comes from. Currently, we have 52 percent coming from coal. We have 15 percent coming from natural gas. We have 3 percent from petroleum,

20 percent from nuclear, 7 percent from hydro, and only 3 percent from renewables. Compare this with countries such as Denmark, where they are seeing something akin to 50 percent coming from renewables, and Great Britain and other countries. What a strong renewable standard can do is it can diversify our electricity sources so we are not so reliant on energy sources such as natural gas that are vulnerable to periodic shortages or other supply interruptions. A strong renewable energy standard can also save the American consumer money. According to studies, a 15-percent renewable electricity standard will save consumers a total of $16.4 billion on their energy bills by the year 2030.

Let's look at some of the savings. What are we going to get if we put in a national renewable electricity standard of the kind I have talked about, which is up to 25 percent, and the kind that Senator BINGAMAN and I have sponsored here today at 15 percent by 2020? We will get 355,000 new jobs, nearly twice as many as generating electricity from fossil fuels; economic development, $72.6 billion in new capital investment; $16.2 billion in income to farmers, ranchers, and rural landowners; $5 billion in new local tax revenues; consumer savings of $49 billion in lower electricity and natural gas bills; a healthier environment with reductions in global warming, as I discussed, equal to taking nearly 71 million cars off the road; less air pollution, less damage to land, and better use of our water.

I have seen it firsthand in my State, in southwestern Minnesota, where there are wind turbines coming up everywhere. They have even opened a bed and breakfast near Pipestone, MN, because they are so excited about these wind turbines. If you were looking for a romantic weekend and time away from your State of Rhode Island, you could actually go down there and stay overnight and wake up in the morning and look at a wind turbine. That is the package.

But the point is this: The people in that area are so excited about the development and the potential manufacturing that is going on, that they want people to come and see it. We also have individual homeowners and school districts that are trying to figure out how they can put a wind turbine up so they can bring that kind of homegrown renewable energy into their places of business and into their homes.

A strong renewable energy standard is going to save us money, and it is going to cause this kind of investment. It is going to open the door to a new electricity industry that will bring thousands of jobs and billions of dollars into our economy.

Over the last 20 years, America's renewable energy industry, and the wind industry in particular, has achieved significant technological advancements. The industries for solar and wind and biomass are expanding at rates exceeding 30 percent annually. Now, some of this is because the States—and I will talk about this in a minute—have shown foresight and have been ahead of the game, but we need to do more. The question is: Does the United States want to be a leader in creating new green technologies in the new green industries of the future, or are we going to sit back and watch the opportunities pass us by?

Tom Friedman, who actually comes from Minnesota, wrote a cover story for the New York Times Magazine about a month ago about the power of green. He talked about a new green deal—not like the old New Deal; not necessarily the kind of money we are talking about there, but that the Government's role should be to set those standards and industry will meet them. The Government's role should be to seed new research and to promote green technology and direct us that way; otherwise, if we don't do that, if we don't have the kind of 15 percent standard we are talking about on a national level, I can tell you what is going to happen because we are already seeing it happen. We no longer are the world leader in two important clean energy fields. We rank third in wind power production behind Denmark and Spain. We are third in photovoltaic power installed behind Germany and Japan. Ironically, these countries have surpassed us using our own technology. They used the technology we developed in our country. We came up with the right ideas, but we didn't capitalize on the innovations with adequate policies to spur deployment. The Federal Government, in fact, has been complacent. They have been watching the opportunities go by.

Now, this is not so of the States. I know Senator SALAZAR borrowed my chart about an hour ago, but I like this chart because it shows the progress that is going on across the country. You can see it is not limited to one area. It is not limited. We have heard about what California has done and how aggressive they are. I am always telling the Senators from California it is great what you have done, but it is important to talk about what is going on in the rest of the country.

You look at what is happening in my own State of Minnesota: 27.4 percent mandated renewable standards by 2025. We have what is happening in New Hampshire: A 23.8 standard by 2025. We have Maine, which actually has a standard and goal, as opposed to a standard, of 30 percent by 2000; Virginia, 12 percent by 2022; We have New Jersey, which has been a leader in this area, at 22.5 percent by 2020. If you go all the way out to Montana, you see a 15-percent standard by 2015; if you go up to Washington, 15 percent by 2020. If these courageous States are willing to do this with no direction from the Federal Government, I think it is time for us to act.

It was Louis Brandeis, the judge, who once in one of his opinions wrote about how the States are the laboratories of democracy. That is what you see going on here. The States are the laboratories of democracy, and you talk about how one courageous State can make a decision to set policy and can be used as a laboratory for the rest of the country. I don't think he ever meant, when he wrote that opinion, that that should mean inaction by the Federal Government. In fact, it should be the opposite. The States experiment, the States show, such as our State has, you can put high standards in place, you can start developing these industries, and it is a good thing.

It revitalizes our rural economy. It is cleaner for our environment. It allows us to invest in new jobs. Now it is time—we have seen the story across the country—for the Federal Government to act.

What I want to see when we vote on Senator BINGAMAN's amendment is a bipartisan effort, bipartisan support for this kind of amendment.

Let me tell you what happened in our State. In February, the Minnesota Legislature—it is a Democratic State senate, Republican statehouse—passed nearly unanimously this 2025 standard. In fact, for Xcel Energy, our biggest energy company, it is 30 percent. They passed that nearly unanimously, a Democratic house, a Democratic senate, with a number of Republicans, a majority voting for it, and then they sent it to a Republican Governor, and that Republican Governor signed it into law. It is considered the Nation's most aggressive standard for promoting renewable energy in electricity production. I think Minnesota's aggressive standard is a good example, but I also think the bipartisan way in which it was set should be a model for Federal action.

The courage we are seeing in States such as my own should be matched by the courage in Washington. We should be prepared to act on a national level, especially when the States and local communities are showing us the way.

There is now an opportunity for the Federal Government to act, and this Energy bill has many good things in it. I love the standards for appliances, the standards for buildings. I like to call it ''building a fridge to the 21st century.'' But I also would like to see some even bolder action. That bolder action comes in many forms, but one that is most important to me is putting this renewable standard into law.

We have everything we need. We just need to act. We have the scientific know-how in this country. In my State, we are so proud of the work that is going on at the University of Minnesota and the State colleges across the State. It is going on everywhere.

We have the fields to grow the energy that will keep our Nation moving, and we have the wind to propel our economy forward. The wind is at our back, and it is time for us to move. It is time to act. The only thing that is holding us back is complacency.

In my office in the lobby, I have a picture. It is a picture of someone holding a world in their hands. The words on it read: The angel shrugged, and she placed the world in the palm of our hand. She said if we fail this time, it is a failure of imagination.

We in the Senate in the next 2 weeks have the opportunity to show this country and the world that we have the imagination for a better world and we have the imagination that we can start having our energy and our electricity produced by the wind and the sun, that we have the imagination that we can have a better environment.

This is the time to act, and I urge my colleagues to support the 15-percent standard for renewable energy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to hear the comments of my friend and colleague from Minnesota. She speaks of wind in her State. It is fair to say that in certain parts of my fair State of Alaska, we, too, have incredible winds that sometimes we feel could power the entire Nation with the amount of wind energy we have. In fact, sometimes the winds are too strong and we cannot keep wind generation units up because the force of the winds is that intense. But I do recognize that all States are not created equal in terms of their ability to produce forms of renewable energy, such as wind.

I am a very strong supporter of renewable energy, really all forms of renewable energy. Whether it is geothermal, ocean energy, wind, solar, biofuels, all aspects of renewable are so important. I want to explain this afternoon why I am supporting the clean portfolio standard over the renewable portfolio standard and actually think that the clean standard is the best for the environment and for the public.

Both of these proposals will encourage States to promote the most forms possible of renewable energies, whether they be solar, wind, geothermal, ocean, biomass. All are covered equally under both of the proposals.

For my purposes and where I am really honing in is in the area of hydropower, and this is one key area where the different proposals part company.

Under the renewable portfolio standard, new hydropower does not count toward meeting the production mandate, only incremental power. The addition of turbines to existing facilities can count.

Under the clean portfolio standard, new hydropower, not the power from dams that span the rivers, but all other forms of new hydropower, such as power from small hydro projects and from lake taps, can count toward that renewable requirement. That is a very important difference.

In my State of Alaska, we tap the mountain lakes, those that have few fish. There is a hole that is literally drilled in the bottom. It runs the water into turbines, and this produces the power. About 40 percent of the power in urban Alaska comes from projects such as these. They have zero environmental impact. They do not affect the stream flows. They do not affect the fish runs.

So I have to look at the two different proposals and ask: How are we treating hydro? How are we treating runs of the rivers, the lake taps? How is that included in the proposals? I believe ignoring the potential for hydropower where it can be done without emissions and without any other environmental impact is a mistake and a needless mistake.

The clean portfolio standard also allows utilities to count not just the incremental nuclear power and the power from the next generation of nuclear, but it also allows you to count the power saved by energy efficiency programs. This is an area we all want to encourage. We want to encourage energy conservation and efficiency programs. This, I think we will all agree, is a justifiable addition to the bill.

Some will argue that the amendment waters down Congress's commitment to push renewable energy. I am just not buying into that argument. That is not the case. By increasing the standard to 20 percent from the 15 percent starting in the year 2020, we have offset any reduction in effort, but we have made the provisions more fair to all the States. As I mentioned, all States are not equal in their ability to produce renewable energy.

All State utilities can sponsor energy efficiency legislation. Most States are able to move toward nuclear power. Most States have some access to hydropower. Most States can benefit from landfill gases or from some forms of biomass. And all States can utilize fuel cells to reach a clean energy standard. But not all States have consistent wind patterns, have cloudless energy potential or good geothermal or ocean options.

I look at the State of Alaska, with our geography and with our considerable landmass, considerable coastline, and say we are blessed with incredible resources when it comes to renewable resources. We have incredible geothermal potential. We have strings of volcanoes up the Aleutian chain and even in our south central area. With a coastline the size we have in Alaska, we have potential from ocean energy that is unequaled anywhere else in the United States. We have, as I mentioned, incredible wind potential, and we are seeing that particularly in our coastal communities where we are able to put wind-generating units, offsetting the cost of diesel, which is what currently powers far too many of our communities in the State of Alaska.

My point is, we are blessed in Alaska with renewable energy options. Those in perhaps the southeastern part of the United States have already pointed out some of the very real concerns they have with a renewable standard. In the Pacific Northwest, if we are not counting any new hydro development, it makes one wonder: How will they be able to achieve the standards that have been set forth in a renewable portfolio standard if we cannot count the hydro?

I am concerned that we will move toward a one-size-fits-all solution. It is something we are wise to avoid; otherwise, we have electricity consumers in many of the States that will be better off by not having a Federal mandate at all but continuing under this patchwork arrangement of State renewable portfolio standards that are already being formulated. For them, it may be better to stick with that patchwork program than a Federal approach.

I have heard from the American Wind Power Association that the provision in this amendment that allows the Secretary to certify other clean energy sources to qualify in the future somehow creates a loophole that will harm renewable energy progress. But given the standards that are contained in the amendment, I don't believe this is a problem. All the provision does is allow new technology to be classified as renewable to benefit from the incentives this provision creates without waiting for Congress to act, which we all know can be a very lengthy process and one we really don't even want to count how long that can be.

As a strong supporter of renewables and a really strong supporter of wind energy, I am a huge proponent of wind energy. I am the sponsor in this bill of a grant program to have the Federal Government help pay up to 50 percent of the cost of renewable projects to help get the renewables over the hump of the higher construction costs. I want to work to encourage a rapid expansion of renewables. We need to increase renewable use in this country tenfold. We are currently at 2 percent. We need to get to 20 percent, and this is what is called for in the clean portfolio standard. But I think we need to be careful about narrowing the list of technologies so that we in the Government, we in the Congress are not picking the winners and losers; that we allow wind to compete with ocean energy, with geothermal energy; that we allow hydropower to compete with the advantages of energy efficiency programs.

We have to remember that if the Federal Government does not generously finance renewable power projects, consumers will be paying the bills for their construction through higher power rates. We have a fine line to walk between promoting renewables and raising the cost of electricity in some parts of this country too quickly and too high. That program, if you will, will harm low-income families and the competitiveness of the economy.

So while both proposals are admirable in very many respects—and I commend the chairman of the Energy Committee for his hard work in this area—I do believe the clean portfolio standard overall does a better job and is more fair to States that have different abilities to meet our renewable portfolio standard.

I urge my colleagues to study this, study it very carefully, and have an open mind when they cast their vote on these provisions.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, 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. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. INHOFE. Mr. President, I have made it a practice for the last—I don't know how long it has been now, 12-plus years in the Senate—that any time I see a major tax increase coming along, at least I want to voice opposition, to get on record against it. That is what we are talking about right now with the renewable portfolio standard that is before us.

I support development of renewable energy resources, as do the citizens of my State of Oklahoma. In fact, in 2006, Oklahoma was ranked sixth in the Nation for wind energy capacity, surpassed only by Texas, Minnesota, Iowa, California, and Washington State. Those are real turbines lighting over 150,000 homes in Oklahoma without an RPS.

Let me emphasize, Oklahomans are developing wind energy without a one-size-fits-all Federal mandate known as an RPS, renewable portfolio standard.

Quite a number of years ago I spent a number of years as mayor of a major American city. Its problems were not the ones you would think, not crime in the streets, not prostitution. It was Federal mandates that were not funded. This is exactly what we are looking at here.

Under this amendment, Oklahomans would pay an additional $6 billion for their electricity. You might ask where would that money go? It would go to perhaps the Federal Government to spend as it pleases, or it would go to other States that are lucky enough to have the particular energy sources that environmental groups decide today they want.

How does this promote clean energy in Oklahoma? It does not. The amendment cherry-picks technologies that have to be blessed by environmental groups but ignores the real clean energy benefits of nuclear power, hydro power, clean coal, and energy efficiency.

A kilowatt saved is a kilowatt earned. You can't get cleaner than energy efficiency, but it doesn't comply with the amendment.

The RPS amendment is nothing more than a tax increase. It is a tax on States that lack enough natural resources to meet the 15-percent mandate. It is a tax on States that do not harness the particular renewable technologies enshrined in this amendment, and it is a tax on States that do not happen to have electricity transmission lines located where the renewable resources are. The States, I believe, know best on how to promote and manage the renewable resources unique to their States without another Federal mandate.

We had this discussion this morning when I had my refinery amendment up. I said there is this mentality in Washington that no decision is a good decision unless that decision is made in Washington, DC. I think that is what we are looking at here. This is an issue that should be left to the States, not enacted in an RPS. The decision should not be preempted, especially not when the cost is $6 billion.

I know a lot of people are thinking, in terms of the things we talk about here in Washington, DC, $6 billion is not an astronomical amount. But take a State with a population of the State of Oklahoma. A $6 billion tax increase is huge, particularly when you do not get anything for it.

I hope we will oppose the amendment of Senator BINGAMAN on renewable portfolio standards.

Mr. KYL. Mr. President, I rise today in opposition to the Bingaman amendment relating to the renewable portfolio mandate. The Bingaman amendment would impose a 15-percent portfolio requirement for a limited number of so-called renewables by 2030. I oppose this amendment as I have opposed such proposals in the past because it is an egregious example of Federal command and control of the marketplace.

Renewables have been and will continue to be an important part of our energy mix. Hydropower, solar, geothermal, wind, municipal solid waste all make substantial contributions to our energy needs. These and the other power types—nuclear, clean coal, and natural gas—succeed in the market because they are cost-effective, not because the Federal Government has required them to be bought.

Congress has long supported renewable energy. That is one thing—Federal mandates are another. Fundamentally, I oppose Federal command and control of the marketplace. I have no doubt that any requirement that a particular percentage of electricity generation by renewables can be met. During World War II, through a tremendous expenditure of money and effort, we developed nuclear weapons when no one thought it was possible. During the sixties, no one thought it was possible to send a man to the Moon, but we did. A renewable portfolio mandate of any percent, be it 15 percent as proposed here or even 50 percent, is achievable—whether it be through actual generation of energy or through the purchase of credits from the Federal Government. But at what cost? What cost in terms of electricity rates to be paid by American consumers, estimated at over $100 billion by 2030, at what cost in terms of stifling technological advancement into other alternative sources of energy? Over the past 20 years, renewable technology has advanced by leaps and bounds, not because we ordered industry to generate more renewable power but because we gave incentives to generate new renewables. The Bingaman approach turns that on its head. Under the Bingaman amendment, renewable producers will gravitate to low cost, existing renewable sources. They will have no incentive to innovate and bring their costs down. The power generated will be sold almost regardless of cost.

The Bingaman amendment is nothing more than the Government deciding which type of energy is politically in favor and which type is politically out of favor. Right now, the wind industry is the big political winner. It is lower in cost than most renewables, currently gobbles up 95 percent of available tax credit, and has the largest lobby for the Bingaman amendment.

Wind-generated power has significant environmental problems we need to address. First, wind turbines take up lots of space to generate any significant amount of energy, making them poor for urban environments and problematic for landscape viewsheds, especially near our Nation's national parks. They are also dangerous for wildlife. The National Academy of Sciences stated in a report released this year that bats are at considerable risk in the Southwestern United States and elsewhere, where reliance on wind power has been growing. The wind-power turbines generate sounds and, possibly, electromagnetic fields that lure the acoustically sensitive creatures into the spinning blades. In addition, local bird populations are also at risk. NAS also stated that local bird populations, especially peregrine falcons and other raptors that are attracted to windy areas where the generators are likely to exist, are at risk and called for additional study. Raptors ''are lower in abundance than many other bird species, have symbolic and emotional value to many Americans, and are protected by federal and state laws.'' Besides these environmental impacts that must be looked at, the fact is, wind just doesn't blow enough in most parts of the country for this to be a viable source of energy for utilities across the country to rely on.

I believe the kind of energy utilities use to generate electricity should be based on the free market and consumer choice. If consumers want to buy the kind of renewable energy mandated by the Bingaman amendment, they are free to do so. Likewise, if they want to spend their money on something else, they should be free to do that too. Consumers are better able to decide what is in their own interest than government. Why should a family of four struggling to meet its monthly bills, to educate the kids, or help elderly parents be required—due to Federal political correctness—to purchase high-priced energy instead of meeting family obligations?

Over 20 States have already adopted their own renewable standards, including my home State of Arizona. They each did so, presumably, because those States decided it was in their citizens' best interests. I have long believed that decisions affecting people's lives and livelihoods should be made at levels of government that are closest to the people, not by bureaucrats in Washington.

Let's look at the problems with a Federal renewable portfolio mandate. First, as I said before, it picks certain politically favored renewable energy types for special treatment, ignoring what States have already decided to do on their own. The supporters of the amendment will tell you that is not the case and that State programs can continue, but that is only true if the State picked the same favorites this amendment does. For instance, what about Pennsylvania? Pennsylvania took a look at its energy availability and determined that coal to liquids made sense given its vast coal reserves. So coal to liquids counts toward meeting its State RPS. Under the Bingaman amendment, Pennsylvania would not be able to count this source toward the Federal mandate, in effect gutting its State RPS program and increasing the costs to consumers.

This example brings me to a basic problem with a Federal renewable mandate. Some regions of the country are blessed with abundant renewable resources, while others are not. The renewable mandate will create stupendous transfers of wealth from renewable-poor States to renewable-rich States. This means that consumers in New York City will send their hard-earned dollars to wind generators in Minnesota. Think about it. Consumers in New York City will pay for renewable electricity they don't even get. That is not fair. If the purpose of the renewable mandate is to lessen our dependence on foreign energy, there are better ways: nuclear power, clean coal, and oil and gas from regions of the United States that have been put off limits.

Let's face it, we have to have reliable sources of energy to meet the ever increasing consumer demand for electricity. However, the primary sources of energy that will be necessary to meet this mandate, wind and solar, are intermittent sources. What happens when the wind doesn't blow or the Sun doesn't shine? As we learned in economics 101, there is no such thing as a free lunch; consumers will pay. They will pay for the renewable energy and they will pay for the backup capacity that will come from what we know are reliable sources of energy—nuclear, coal and natural gas—to keep the lights on.

Mr. President, let me return to my fundamental concern about the renewable mandate. The Bingaman amendment gives the Federal Government the power to micromanage the marketplace with a one-size-fits-all mandate; I want States to determine the best mix to meet their energy needs and allow the free market to work. Thus, I will vote no on the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise today in support of the renewable portfolio standard offered by Senator JEFF BINGAMAN of New Mexico. The phrase ''renewable portfolio standard'' is a question most of us would fail on the final exam. What does it mean? To try to put it in the most simple terms, what we are trying to achieve here is the generation of electricity through means which meet the needs of our families, our businesses, and our economy, but create fewer environmental problems. That is it—renewable fuel. By doing this, we are going to end up with an environment which is kinder and cleaner for future generations.

Let's be very honest about this. Some of the people who oppose this renewable portfolio standard do not believe we have an environmental problem. They do not believe global warming exists. They do not believe climate change is an issue. They do not believe pollution is a problem. They can't understand why we are trying to change the way we generate electricity. If that is your point of view, I can understand why you would oppose the amendment of Senator BINGAMAN, because it seems like much ado about nothing. Why would we be spending all this time, all this effort, all this debate, and all this force in changing the way we generate electricity if everything is fine the way it is?

I am not one of those persons. I believe we do face some serious environmental challenges in the world today which, if they go unresolved and unanswered, will change the Earth on which we live. In fact, I think the process is underway. I do not think it is positive. I think the evidence is abundant that as we become more industrial in the world we live in, we have generated more smoke, more pollution, more greenhouse gases, and it is changing the world in which we live.

Some people will say that is what we expect to hear from the environmentalists, those extremists, those tree huggers. They have been singing this song ever since Earth Day was first created. But you know what is happening? There are some hard-headed businessmen coming to the same conclusion. When I visit a major insurance company in my home State of Illinois which has announced it is no longer going to write property insurance on Gulf Coast States for fear of the violent storms that are causing damage, it tells me this has gone beyond the musings of some people in the green movement. It now has become an economic reality, that the world is changing and in some respects not for the better.

If we know that to be true, the obvious question is what will we do about it? Listen to the debate on the floor, Senator after Senator coming in saying this is too complicated. This is the big hand of Government. It sounds like more taxes. It is going to force some change, pick winners and losers, let's put this off to another day. Let's get back to this next year or the year after.

I have heard that song before, over and over again. I do not believe the American people sent us to Washington to put off addressing the problems which we face in this Nation and this world today. We have to tackle them. Some of them are controversial. Some of them may not be popular back home. But we are sent here to make a decision. Even if the decision is uncomfortable for some, we have to understand it is important.

This renewable portfolio standard—a mouthful, if you will—requires retail electric utilities to include 15 percent renewable energy in their generation portfolios by the year 2020. We give a lot of flexibility to the utilities about how to reach this goal. They can generate this renewable electricity themselves—build wind farms or solar facilities. Some people say maybe these wind farms won't work. I did not know much about wind farms myself. What I read suggested my home State of Illinois was just OK when it came to wind energy. But now as I move around my State, I see big changes. In the Bloomington-Normal area, central Illinois, the Twin Groves project, they are in the process of building 240 wind turbines, huge turbines.

Sadly, they are made in Europe. I hope the day comes soon when more are made in the United States. But they are coming here to generate, with the wind blowing across the cornfields, electricity. It is a $700 million investment. It will generate enough electricity from these wind turbines spread out among the cornfields to take care of the needs of 120,000 families in central Illinois. At the end of the day, there will not be pollution added to the atmosphere. It will be natural wind power turning the turbines, generating the electricity for the families and businesses in that area. That is renewable electricity.

When it comes to solar power, I guess some people think that is a vestige of some musings back in the 1950s and 1960s, but it is not. Solar energy today is growing in its usage. You see it all over the United States, little solar panels that are now collecting enough energy to do little jobs. Then you take a look at the world scene and look at a country such as Germany, not a country you might single out as being a leader when it comes to solar energy. As a country, I doubt it has much more sunshine than parts of the United States. But 20 years ago the Germans made a commitment to solar energy and now that commitment is paying off. By guaranteeing return on investment, more and more solar panels are being installed and they are generating more electrical power from the force and power of the Sun. We can do the same.

How do you reach that goal, for more solar panels? You create incentives. How do you create these incentives? The Bingaman amendment. The Bingaman amendment says if you are an electrical power generating company, we want 15 percent of the power you generate by the year 2020 to come from sources such as wind and solar panels.

What is that going to do? It is going to change the nature of the solar power industry. There will be more companies, there will be more compensation, there will be more research, there will be more efficiency. When it is done, we will end up with the electricity we need to lead the good lives we have without creating a mess in this atmosphere that changes the climate and creates pollution, creates problems such as asthma and lung disease. We will be moving in the right direction instead of the wrong direction.

There will always be voices opposing this kind of change. It is too much for some people. It is a vision of the world they cannot imagine. It is addressing a problem which many of them do not even acknowledge and that is why you run into resistance.

Some say it is a great idea, but America is not up to this challenge; we can't generate the technology to meet this challenge. Come on. I disagree. There has not been a time in our history when this Nation has been challenged to achieve anything, from a man on the Moon to taming the atom, that we have not risen to the challenge. We can do it here and we must do it here. I believe in the creative genius of this American system of government and this economy.

If you believe in it, a 15-percent renewable portfolio standard is not a leap of faith. Of course, if the electric utilities do not have their own generating capacity through solar panels or wind power or other sources, they have an option under this to purchase credits from other utilities that do.

This is a market-based mechanism that Senator BINGAMAN's amendment addresses. It will drive competition into the renewable market without picking winners. It is basically going to say: We have some goals we have to meet; now who can do those best? Using the Energy Information Administration's data, a national 15-percent renewable portfolio standard would save American consumers $16 billion on their electric and natural gas bills by the year 2030; commercial customers would save $8 billion; industrial, $5 billion; residential, $3.3 billion.

A renewable portfolio standard will create jobs and income in rural areas. I know this for a fact; that is where I come from. I come from downstate Illinois, I have seen these wind farms, and they work. Each large-scale wind turbine that goes on line generates $1.5 million in economic activity and provides about $5,000 in lease payments per year for 20 years or more to a farmer, rancher, or landowner.

If you drive south of Rockford, IL, and go through a little town called Paw Paw, IL, that really was kind of disappearing on us, with a little cafe or two and a little gas station, all of a sudden people are paying attention. Why? Because they have about 20 wind turbines right next to Paw Paw, IL.

I stopped my car and went over to the farmer who lives in the shadow of these wind turbines. This man had a smile from ear to ear. He is getting a monthly lease payment for them to put the wind turbines on his property, and he has planted corn right next to these wind turbines. He is getting the best of both worlds—the lease payment and the production from his own land. He couldn't be prouder.

How did they end up putting those wind turbines in that tiny town? I can tell you why they put them there. Because the mayor of the city of Chicago, about 50 to 60 miles away, said to the utility company, the electric company supplying electricity to the city government, that they required—the city contract required a percentage of renewable sources of electricity. So this electric power company decided they needed to build some wind turbines. They built them, put them in Paw Paw, IL. They are now feeding electricity into the grid instead of burning coal or some other pollutant. They are trying to find a way to generate electricity and not make the environmental situation worse. It works. It is in smalltown America. It is in rural America, and it pays off.

We have over 100 megawatts of wind energy in Illinois already. A conservative estimate shows these turbines generate enough electricity currently to power 22,500 homes; another 300 megawatts under construction, and that would generate another 1,200 megawatts of electricity. If all of those projects are completed, Illinois will be generating enough electricity to power over 370,000 homes from this wind energy.

Now, with a 15-percent renewable portfolio standard, America would increase its total homegrown, clean, renewable power capacity 4½ times the present level. Senator BINGAMAN's amendment gives us 13 years to reach that goal. It is not unrealistic. In fact, I think one might argue we can do better. I hope we will.

Some States have already adopted standards far higher than what Senator BINGAMAN is suggesting as a national standard. With the abundance of renewable energy resources—the sun, the wind, the Earth itself—the technical potential of major renewable technologies could actually provide more than five times the electricity America needs.

There are limits of how much this potential can be used because of competing land uses and costs, but there is more than enough to supply 15 percent, maybe even 20 percent.

Twenty-one States and the District of Colombia have already established a renewable electricity standard. Illinois, for instance, has a goal of 8 percent by 2013; New York, 24 percent by 2013; Colorado, 16 percent by 2020.

By diversifying and decentralizing our energy infrastructure, increased reliance on renewables provides environmental, fuel diversity, national security, and economic development benefits for everybody. Increasing renewable energy will reduce the risks to the economy posed by an overreliance on a single source of new power supply.

Additionally, the 15-percent national standard will reduce carbon dioxide emissions by nearly 200 million metric tons per year by 2020—a reduction of 7 percent below the business-as-usual level. That is the equivalent—the Bingaman amendment is the equivalent of taking 32 million cars off the road.

Furthermore, the Energy Information Administration study found that a 20-percent renewable energy standard would reduce the cost to consumers of meeting four pollutant reductions from powerplants by $4.5 billion in 2010 and $31 billion in 2020, compared to meeting the emission reductions without a renewable standard.

I support this amendment. I believe that diversifying our electricity portfolio and encouraging the development of clean, renewable resources provides economic and environmental benefits to our country.

I would say to those who are engaged in this debate: Do not bemoan global warming, do not cry about climate change, do not say you really are concerned about pollution if you cannot accept the challenge of the Bingaman amendment. In the next 13 years, we can meet this goal. It is a challenge to America which we can meet and exceed. I am confident we will. In the process, we will find cleaner ways to generate electricity. We will create less pollution for the people who live in this country. We will end up with new technologies, new business opportunities that demonstrate the strength of this great country in which we live. We can meet this goal. We should not shrink away from it.

I thank the Senator from New Mexico for his leadership in bringing this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I don't know how much longer we are going to be here this evening. I have not been able to confer with Senator BINGAMAN on the timing. But I do not think we are going to be here very late. I am not sure—I mean, I am sure we are not going to vote on either amendment this evening. Nonetheless, there are a couple of Senators—at least one standing there—who have not talked today and who want to.

I am going talk for a little bit. First, I want to say to everybody—including the previous immediate speaker who spoke about what kind of people we are who think we have something better than Senator BINGAMAN—I want to say

that there is no animus between Senator BINGAMAN and PETE DOMENICI. We are friends, and it is almost difficult when people are saying: You do so many things together; how can you come up on opposite sides of this? Well, I just studied it as best I could, and I came up with what I thought was a better idea. We have to do that. That is what we are elected for. New Mexicans ought to be wondering what is cooking, but they also ought to know that he has an idea and I have a different idea built on it, and that is all there is to it. One or the other or neither will get adopted, and we will have a good exchange here on the floor to see what is really happening.

I do want to say that anybody who comes to the floor and talks about how much richer we are going to get by having a plan like Senator BINGAMAN's, the mandate for each State—I have not seen any estimate of the cost to the people of either Senator BINGAMAN's approach or mine. I have seen one of Senator BINGAMAN's plans—two of them, and none of them say you are going to make money; both of them say it is going to cost a lot of money to the taxpayers. One says a lot more than the other. So I guess they really don't know. EIA recently studied the 15-percent RPS mandate and found that it would cost $21 billion. But there was another one that was already done before that by Global Energy Decisions, and they said the cumulative cost to consumers would represent $175 billion over the 20-year life. But in both cases, they said it was going to cost money.

So I don't think anybody is going to get all excited about a statement down here on the floor that, among the many things, having a mandate that every State be the same, have 15 percent, nobody is going to get excited and stand up and jump here on the floor of the Senate with the idea that this is a good way for each State to make money. It is going to cost them money. It may be a great idea, and it may be worth it.

But I am here tonight to suggest—and I also want to say that the last speaker on the Democratic side, the Senator from Illinois, spoke also about some of us as if we do not believe in wind energy. Well, let me say, there are not too many Senators who came to the party here in Washington in helping wind energy. There are not too many who helped them more or came to help them sooner than this Senator. The Senate and the House have been helping solar energy to a fare-thee-well. We will continue to do that. But I can say to the wind industry that I have helped you all the way through, and now I note that you are out campaigning as hard as you can for this Bingaman proposal, this proposal by Senator BINGAMAN, this mandate. When you look at it and think about it, it is a mandate that we use more and more wind energy. That is what it is.

Now, I am not at all sure we are right in assuming that across this land the fundamental way to get things going right is for every State to march to the tune of getting to 15 percent of solar energy in their base. I am not sure that is the best thing for the United States. I think maybe when it was dreamt up, nobody thought there were any other alternatives. But there are, and certainly we are making a mistake in saying it is going to be the language of the Bingaman bill or nothing else when we already see that means wind for the next 20 years or more.

What I tried to say in mine was maybe there is something good about pushing States to change. But I provided alternatives for diversification.

I say to my friend from Montana, I do not know where you stand on a nuclear powerplant. If you have never had one in your State, you are not going to get one because they are building them right where they were. So States that had them are going to get nuclear powerplants within the next 10 years, many of them right where the existing powerplants are. All the Senator from New Mexico, the senior Senator, said was that if that is done during the lifetime of this program and you put in a new nuclear powerplant, you ought to get credit for that. And the only way I could think of was to call my portfolio the clean energy portfolio. That is what is it. And when you look at it that way—and I added to the availability of what is allowed, I added nuclear and I added some other things that I truly believe we should pursue with vigor, and I raised the ceiling to 20 instead of 15. Now, when you look at it, you get a chance of one or the other.

The distinguished Senator, my colleague from New Mexico, thought it was kind of unexpected that this bill had an opt-out and seemed to make of it as if that was something very bad. Look, we are open and sincere about our bill having an opt-out. When a State meets the goal, we see no reason for them to stay in. We think they ought to be able to get out. There is nothing that is naturally ideological or philosophical about it; it just seems there is no reason to keep them in. We have seen no good suggested from keeping them in, and so we think when they get through and meet their goal, they ought to be able, if they want to, to get out. If, in fact, they are already tied together because of electric lines and the like, they will not destroy all of that. There will still be relationships of those types which were built, and the ones that are needed will stay on. They will be there for a long time.

Let me say in closing that one from the other side of the aisle need not talk about those on this side of the aisle, including this Senator, as if we don't understand what wind energy is and we don't have enough dreams about solar energy. We understand both of them. We have funded both of them. We have put the identical tax benefit on both, the same as we have put on everything else.

Last year when we did them all, we gave them all a 27.5-percent tax credit, from nuclear power all the way down to solar, bio, and everything else. They all got the same. We had already begun funding wind power. Again, I say to the nuclear industry, but for the Congress of the United States, the truth is, there would be no wind industry, because without the tax credits we gave to make wind energy work, there would be no wind energy except in a few places. I am not saying that in any way negative. I am for it. I don't know how many more years we will have to give them this tax credit to push them over the hump, but I am going to do that because I believe they ought to move ahead. We are learning both sides of the wind energy delivery system. We are beginning to see some negative aspects to it. It was all positive at one time. Some people are reporting negative ones. Out in the country where we used to raise cattle, certainly anybody who leases their land is delighted. They make a lot more money out of wind turbines than they do trying to graze cattle. There is no doubt about that. Some of those cattlemen are extremely happy because they don't look like the old windmills. They are much different. But they pay well, so they are glad. They joined up with wind energy, those who are lobbying for them. They got all the property owners who are getting paid. They joined them. That is good. I don't know who is lobbying for the rest of the kinds of energy we want to put in so we have diversity.

All this is is a vote to distinguish the two. If you want diversity of clean energy, vote for Domenici. If you want to be tied rigidly by a Federal statute to what is almost all wind, vote for Bingaman. If you want to vote for letting those who have already met their goal opt out if they want, vote for Domenici. If you want to say they have to stay in, somebody ought to tell us all why and how long they should stay in, but if they are going to have to stay in and be rigidly construed as to what counts, then obviously, you have to vote for the Bingaman amendment.

We will have more discussion because everybody is getting well informed and asking questions. I don't know what is going to happen immediately after this. I assume the distinguished Senator from Montana will speak. He was next. I will be leaving and apologize in advance that I would not get to hear his speech about this bill. Maybe someday we can meet back up there in Montana on the campaign trail and he can talk about Montana and I can talk about I don't know what. He can tell me what to talk about. But it is good to be here with him on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank the Senator for the kind words. I appreciate that. I look forward to having him in ''big sky'' country anytime he wants.

I rise in strong support of the Bingaman amendment. Change is difficult, if

you are young, if you are old, and oftentimes change is difficult in politics. But what we are talking about is a national energy policy, a long-term national energy policy that people and investors and consumers can depend upon. Within this national energy policy, there is an amendment called the Bingaman amendment that deals with the renewable energy standard.

Interestingly enough, back in 2005, in a former life when I was in the Montana Senate, I carried a bill for a renewable energy standard in Montana that increased the renewable energy portfolio by 15 percent by 2015. Let me tell you what happened there. The important parts of this bill were 8 percent by 2008 renewable energy in the portfolio, 10 percent by 2010, and 15 percent by 2015. That was the bill that we carried in the Montana legislature. What happened was, the first year they met the 8 percent. They will meet the 10 percent by next year, 2 years ahead of schedule. It is predicted by 2011, the independent-owned utilities will meet the 15-percent threshold, 4 years early.

The fact is, this amendment is not cutting edge. This amendment is what is right for the country, renewable energy. Everybody talks about wind. Wind is an important part of renewable energy. But geothermal is also another one. We haven't even tapped into the geothermal resources we have, and they are massive. That is a renewable energy. Biomass, small bore timber, wood waste products, crop byproducts to help power generators, that is renewable energy. Landfill gas is another one we haven't tapped into, a renewable energy. Electricity created by solar, by the Sun, is a renewable energy. Biofuels such as camelina, such as biodiesel, powering generators, that is renewable energy.

Make no mistake about it, when we talk about renewable energy, it is not just wind—although wind is an important factor—it is many different avenues we can go down that suit some parts of the country better than others. By the way, back in 2005, when we were dead last in wind energy production, that little renewable portfolio standard bill we passed took Montana from 50th to 15th in the Nation in renewable energy production. We see transmission lines being built in the State, something that wasn't done before. We saw a whole lot of wind generators go up in rural Montana, where jobs are most needed, where economic development is most needed, where we develop a tax base for our schools and counties in those areas that have seen depopulation, giving these areas hope.

What we are talking about is a long-term policy that will invest in America's consumers and this country. In the process, it will result in a 50-percent increase in wind generation, a 300-percent increase in biomass generation, a 500-percent increase in solar power, and it will reduce emissions by some 222 million tons per year by 2030. It is cheap. It is clean. It is a solution for the climate change issue. It diversifies our production as far as where the energy is produced. It diversifies the energy portfolio which is critically important.

If the Members of this body want to help move this country forward, help make this country energy independent and address the global warming issue, I recommend a ''yes'' vote on the Bingaman amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I yield to the Senator from Iowa for whatever time he wishes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, once again, as a leader of our party on the Finance Committee, I come to the floor to discuss one of the important tax issues that must come before Congress. That is the alternative minimum tax. I am sure many have noticed that the alternative minimum tax is frequently the subject of my many speeches. They may be wondering how long I intend to keep talking about it. The simple answer is I intend to keep talking about it—meaning the alternative minimum tax—until this Congress actually takes some action. Instead of taking action, this Congress has done absolutely nothing. The problem continues to get worse for millions of Americans who will be caught by the alternative minimum tax and are now being caught. It is this ''now being caught'' that I wish to emphasize, because when I speak about those now being caught by this alternative minimum tax, I am referring to those families who make estimated tax payments and who will be making their second payment for this quarter this Friday.

Last year, 2006, 4 million families were hit by the alternative minimum tax. This was 4 million too many. Of course, it is considerably better than what we know for the year we are in right now, when 23 million Americans, mostly middle class, will be hit by the alternative minimum tax. The reason we are experiencing this large increase this year is that in each of the last 6 years, Congress has passed legislation that temporarily increased the amount of income exempt from the alternative minimum tax. These temporary exemption increases have prevented millions of middle-class Americans from falling prey to the alternative minimum tax until now. While I have always fought for these temporary exemptions, I believe the alternative minimum tax ought to be permanently repealed because it was never meant to hit the middle class—and it is hitting the middle class—and because the class of people it was intended to hit, the superwealthy, are finding ways of getting around what was thought to be a bright-light idea in 1969. It is hitting maybe a few hundred people, finding that superrich class not even paying the tax. So it isn't serving the purpose it was intended to serve, and it will hit middle-class Americans who were never intended to be hit by it by 23 million this year.

One reason I have previously given for permanent repeal is it may be difficult for Congress to revisit the alternative minimum tax on a temporary basis every year, as we have for each of the last 6 years. From January 1 of this year until now, when the second quarterly payment is going to be made, proves me right, because nothing has been done. So the new Congress has yet to undertake any meaningful action on the alternative minimum tax. Several proposals have been tossed around by the other body, meaning the House of Representatives. I have discussed a few of them in my earlier speeches. I generally find these proposals lacking but completely agree with my colleagues that something needs to be done, at least I seem to agree. Despite assurances that the alternative minimum relief is an important issue, nothing has actually been put forward as a serious legislative solution.

This chart I am going to put up reflects how the alternative minimum tax has been handled by this Congress so far. It is kind of a smoke-and-mirrors example that I use because we have had numerous proposals talked about, but that is all, just talk. An academic discussion is not in any way a serious substitute for real action this Congress ought to take, as tomorrow people making their quarterly payments will attest to.

I have also come to realize the best way to learn about new proposals that deal with the alternative minimum tax is not to check for the new legislation in the CONGRESSIONAL RECORD but to check the daily newspaper. In the course of reading the Washington Post last Friday, I came across another trial balloon—I emphasize ''trial balloon''—for a new idea about the alternative minimum tax that was printed in the business section of the newspaper. A lot of people were out of town on Friday, so I ask unanimous consent that the article entitled ''Democrats Seek Formula to Blunt Alternative Minimum Tax'' be printed in the RECORD.

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

[From the Washington Post, June 8, 2007]

DEMOCRATS SEEK FORMULA TO BLUNT AMT; ONE PLAN WOULD IMPOSE SURTAX OF 4.3% ON RICHEST HOUSEHOLDS

(By Lori Montgomery)

House Democrats looking to spare millions of middle-class families from the expensive bite of the alternative minimum tax are considering adding a surcharge of 4 percent or more to the tax bills of the nation's wealthiest households.

Under one version of the proposal, about 1 million families would be hit with a 4.3 percent surtax on income over $500,000, which

would raise enough money to permit Congress to abolish the alternative minimum tax for millions of households earning less than $250,000 a year, according to Democratic aides and others familiar with the plan.

Rep. Richard E. Neal (D–Mass.), chairman of the House subcommittee with primary responsibility for the AMT, said that option would also lower AMT bills for families making $250,000 to $500,000. And it would pay for reductions under the regular income tax for married couples, children and the working poor.

All told, the proposal would lower taxes for as many as 90 million households, and Neal said it has broad support among House leaders and Democrats on the tax-writing House Ways and Means Committee. ''Everybody's on board,'' he said.

Neal has yet to release details of the plan, however, and others inside and outside the committee say major pieces of it are still in flux. Some Democrats say Neal's plan stretches the definition of the middle class too far, providing AMT relief to too many wealthy households. They argue that the cutoff for families to be spared from the AMT should be lower, at $200,000, $150,000 or even $75,000.

''There is consensus to make sure that we have some responsible tax policy that will also treat taxpayers fairly. No one ever expected to be caught in the AMT making 75 grand,'' said Rep. Xavier Becerra (D–Calif.), a Ways and Means Committee member whose Los Angeles district is populated by working poor. ''We're trying to come up with a fix that does right by the great majority of Americans who fall into the middle class.''

The debate has focused attention on a different surtax proposed by the Tax Policy Center, a joint project of the Urban Institute and the Brookings Institution. That plan would eliminate the AMT and replace it with a 4 percent surcharge on income over $200,000 for families and $100,000 for singles, cutting taxes for 22 million households and raising them for more than 3 million.

''Our plan is as simple as can be. And only 2 percent of the whole population would have to pay it,'' said Leonard E. Burman, director of the Tax Policy Center. The plan has the added benefit of abolishing the complicated AMT at all income levels, Burman said, an approach some lawmakers find attractive.

On the other hand, fewer families' taxes would be cut, diminishing the ability of Democrats to capitalize on the plan politically. Since they took control of Congress in January, Democrats have made repealing or scaling back the AMT a top priority in hope of establishing tax-cutting credentials and seizing the issue from Republicans for the 2008 campaign.

The alternative minimum tax is a parallel tax structure created in 1969 to nab 155 super-rich tax filers who had been able to wipe out their tax bills using loopholes and deductions. Under AMT rules, taxpayers must calculate their taxes twice—once using normal deductions and tax rates and once using special AMT deductions and rates—and pay the higher figure.

Because the AMT was not indexed for inflation, its reach has expanded annually, delivering a significant tax increase this spring to an estimated 4 million households. The AMT would have spread even more rapidly after President Bush's tax cuts reduced taxpayers' normal bills, but Congress enacted yearly ''patches'' to restrain its growth. The most recent patch expired in December, and unless Congress acts, the tax is projected to strike more than 23 million households next spring, many of them earning as little as $50,000 a year.

House Democrats want legislation to spare those households while also lowering the bills of many current AMT payers. But they face numerous obstacles. In the Senate, Finance Committee Chairman Max Baucus (D–Mont.) favors AMT repeal but considers it too ambitious for this year. Baucus has said another year-long patch is more likely.

In the House, some Democrats argue that more time is needed to explain the issue to the public. The vast majority of households have yet to pay the AMT and may not fully appreciate the value of eliminating the tax, while the wealthy are sure to feel the bite of a new surtax.

''I don't think there's enough of an understanding right now that you've got this tidal tax wave about to hit everybody,'' said Rep. Chris Van Hollen (D–Md.), a Ways and Means Committee member who is also chairman of the Democratic Congressional Campaign Committee. ''From a political perspective, we need to lay the groundwork.''

Before the Memorial Day break, Ways and Means Committee Chairman Charles B. Rangel (D–N.Y.) said he hoped to announce an AMT proposal as soon as Congress returned to Washington. But his timetable has slipped to late June, Democratic aides said, with the issue set to go before the full House sometime in July.

Republicans generally oppose new taxes on the wealthy, saying they disproportionately affect small businesses, but are waiting to hear more before deciding whether to work with Democrats or offer their own plan to abolish the AMT.

''House Democrats are going to have to find their sea legs on this issue fast,'' said Rep. Phil English (R–Pa.), the senior Republican on the Ways and Means tax subcommittee. ''Folks seem to be launching a lot of trial balloons, and it's all very festive. But I don't have enough really to react to yet.''

Mr. GRASSLEY. The concept underlying the alternative minimum tax fixes highlighted in this article in the Washington Post is that the alternative minimum tax could be abolished for families and individuals making less than a given amount, and that the resulting revenue loss would then be offset by a surtax—I want to emphasize: creating a new tax, a surtax—on what the article refers to as our ''nation's wealthiest households.''

Now, when they use the term the ''nation's wealthiest households,'' remember that was the whole concept of the alternative minimum tax in the first place, in 1969, to tax a few thousand people with this tax, and now they are not even being hit by it.

I will bet you, you could have this surtax, and you are still going to find people who can hire the best lawyers to avoid paying that tax. When I say ''avoid paying that tax,'' I mean avoid paying that tax in a legal way, not in a way that is extralegal.

There are two basic proposals that have been laid out in that Washington Post article. One of them, put forward by a member of the Ways and Means Committee of the other body, would use a 4.3 percent surtax on income over $500,000 to offset the elimination of the alternative minimum tax for people earning less than $250,000 a year.

Now, it is estimated in the article that the surtax of 4.3 percent would affect about 1 million families. It is also suggested the alternative minimum tax bills would be decreased for families earning between $250,000 and $500,000 yearly as part of this option. Now, I am not sure how individuals would be treated in this plan.

Interestingly, immediately after the insistence that this option enjoys a great deal of support, the article notes that details of the plan have yet to be released. In the tax world, the devil, of course, is in the details. So I am curious as to exactly what it is that is enjoying this broad political support.

I will note that Ways and Means members have now denounced—now denounced—this label they have applied to this 4.3 percent tax. They have denied the ''surtax'' label.

So, Mr. President, I ask unanimous consent to prove what I said, that an article from Tax Notes Today be printed in the RECORD. That is a publication dated June 13, 2007.

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

[From Tax Analysts, Tax Notes Today, June 13, 2007]

WAYS AND MEANS DEMOCRATS TAKE OFFENSE TO NOTION OF SURTAX

Both House Ways and Means Committee Chair Charles B. Rangel, D–N.Y., and committee member Richard E. Neal, D–Mass. have said that while their plan to reform the alternative minimum tax will likely be paid for by increasing taxes on the wealthiest taxpayers, claims that they plan to create a ''surtax'' on the rich are unfounded.

''We have not agreed to any surtax,'' Rangel told reporters June 12. ''But that might be another way to say that we're going to adjust the rates to make up for what we don't raise in terms of all the loopholes and knocking out credits and looking for this $340 billion [in the tax gap].''

Neal also objected to the notion of a surtax in comments to Tax Analysts on June 11, although he did not completely rule out the possibility of using the proposal when his plan is finally introduced.

''Obviously we're going to ask 1 million people to help pay for tax relief for 92 million people,'' Neal said.

The idea of a surtax to pay for the Democrats' AMT reform proposal was first proposed in a May 23 Urban-Brookings Tax Policy Center paper in which Len Burman and Greg Leiserson argued that the AMT should be repealed and replaced with a surtax of 4 percent on adjusted gross incomes above $100,000 for singles and above $200,000 for married couples. That change would lead to a more progressive tax system and would be approximately revenue neutral over 10 years, they said. (For the paper, see Doc 2007–12677 or 2007 TNT 102–36.)

Although the details of the Democratic AMT plan have not been released, subsequent media reports have claimed that Ways and Means Democrats plan to employ a surtax in their effort to comply with House ''pay as you go'' budget rules.

House Majority Leader Steny H. Hoyer, D–Md., acknowledged that the idea of a surtax is under consideration by the Ways and Means leaders, but said he was unwilling to ''prejudge'' whether Democrats in the chamber would ultimately support that proposal. He added.that pay-go rules will require lawmakers to make difficult choices when it comes to offsetting the costs of any AMT reform legislation.

''What we want to do is fix the AMT permanently and fix it in a way that does not add to the deficit,'' Hoyer said. ''We adopted pay-go. We believe in pay-go.''

Rangel and Neal have also repeatedly said that they are committed to complying with pay-go rules, and Rangel said all revenue-raising options are on the table.

''There's nothing we're not considering in terms of raising revenue to take care of the AMT and expand the child credits,'' said Rangel.

Rangel's committee is expected to mark up its AMT reform legislation in July, with House floor consideration likely to come the same month. The committee's AMT plan is expected to exempt from the AMT taxpayers earning less than $250,000. Those earning above $500,000 would see an increase in their AMT liability, while taxpayers earning between $250,000 and $500,000 would see a reduced AMT liability. Several other proposals to benefit lower-income taxpayers—including expansion of the earned income and child tax credits—are also expected to be part of that proposal.

Mr. GRASSLEY. Now, the other plan comes from our friends at the Tax Policy Center. In a similar plan to the one I just discussed, a 4-percent surtax would be charged to individuals with adjusted gross incomes above $100,000 and couples with incomes above $200,000. The surtax would apply to income above those thresholds, and the thresholds would be indexed for inflation after the year 2007. Under this option, the alternative minimum tax would be completely repealed.

To give an idea of how many people would be hit by this surtax, according to IRS statistics of income, in the year 2004—the latest year we have information available for—there were 1,427,197 returns filed by singles reporting adjusted gross incomes of at least $100,000. In the same year, married persons filing jointly numbered 2,569,288 returns reporting adjusted gross incomes above $200,000.

Mr. President, 2004 is the most recent year we have for this data. I realize the proposal hits singles with incomes greater then $100,000 and my numbers would include someone with an income exactly at that amount, but we can see the Tax Policy Center's plan would impact roughly 4 million singles and joint filers. It would likely impact more than that, since my numbers do not include heads of households or other categories, but you get the idea, I hope, that a lot of people would still be impacted.

Now, as I said before, I am glad people are thinking about the alternative minimum tax and realize it is a very real problem out there and, specifically, this year, for 23 million middle-income-tax people who would not otherwise be hit. But as I have discussed more and more of these proposals with you, I have started to see them—as my chart indicates—as more smoke and mirrors than actual, real legislative proposals.

For one thing, legislation is not introduced in a newspaper—even from the prestigious Washington Post. I keep hearing about proposal after proposal, but nothing is actually done. Everyone seems to agree something needs to be done and needs to be done quickly, but the discussion does not go further from that point.

I spoke about the alternative minimum tax at the beginning of this Congress, in January and when the first quarterly payment was due. I am here now that the second quarterly payment is due. I bet I will be here when the third quarterly payment comes due, saying largely the same thing I am saying right now.

Aside from the fact that Congress does not seem to be under any pressure to actually take action, all of the proposals I have discussed here share the same major flaw in that they seek to offset any revenues not collected through reform or repeal of the alternative minimum tax. Notice I said ''not collected.'' And I did not use the word ''lost.'' This distinction is important for the simple reason that the revenues we do not collect as a result of alternative minimum tax relief are not lost because the alternative minimum tax collects revenues that were never supposed to be collected in the first place.

Let me emphasize that. We cannot talk about lost revenue because we are talking about 23 million people being hit by the alternative minimum tax who were never supposed to be hit by the tax in the first place. The alternative minimum tax collects revenues it was never supposed to collect in the first place. Originally conceived as a mechanism to ensure high-income taxpayers were not able to completely eliminate their tax liability, the alternative minimum tax has failed.

In 2004, IRS Commissioner Everson told the Finance Committee the same percentage of taxpayers continues to pay no Federal income tax. So the alternative minimum tax is not even working for those who were supposed to pay it. This was originally created in that first year with just 155 taxpayers in mind. Of the two plans I discussed earlier, the one that would impact the lower number of filers would still hit about 1 million families. See how 155 has grown to 1 million families?

Finally, if we offset revenues not collected as a result of alternative minimum tax repeal or reform, total Federal revenues are projected to push through the 30-year historical average and then keep going.

This chart I have in the Chamber, which is reproduced from the nonpartisan—I want to emphasize ''nonpartisan''—Congressional Budget Office's publication called ''The Long-Term Budget Outlook,'' issued in December 2005, illustrates—as you can see by the red mark—the ballooning of Federal revenues.

The alternative minimum tax is a completely failed policy that is projected to bring in future revenues it was never designed to collect—and 23 million people being hit this year by it. A large share of that 23 million people being hit by it now in the second quarterly estimate they are filing is absolute proof of people being hurt by a tax that was never supposed to hit them in the first place.

Of course, the best solution to this mess would be S. 55, and that is called the Individual Alternative Minimum Tax Repeal Act of 2007. It is a bipartisan bill introduced by Senator BAUCUS, the chairman of the Finance Committee, and this Senator, along with Senators CRAPO, KYL, and SCHUMER. Senators LAUTENBERG, ROBERTS, and SMITH have also later signed on as cosponsors.

While permanent repeal without offsetting is the best option, we absolutely must do something to protect taxpayers immediately, even if it involves a temporary solution such as an increase in the exemption amount. Of course, if we do not do that, we are going to be in the same fix next year, and I will be making the same points at that particular time.

This Friday, taxpayers making quarterly payments are going to once again discover the alternative minimum tax is neither the subject of an academic seminar nor a future problem we can put off dealing with. It is the real world for those taxpayers filing Friday. They are being hit by it. The alternative minimum tax is a real problem right now, and if this Congress is serious about tax fairness, we need to stand up and take action on the alternative minimum tax.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak briefly. I know my colleague, Senator SANDERS, is in the Chamber and wishes to speak. I will not delay him long.

Let me make three brief points with regard to Senator DOMENICI's second-degree amendment. What that amendment does is it does three things to the renewable portfolio standard I have sent to the desk.

First of all, it starts out by saying: Since it is a requirement that you produce a certain percent of the power you are selling from renewable sources, let's take the base amount of power you are selling and redefine it so it is smaller. It does that by saying: OK, if you are selling any power you produce from nuclear sources, that does not count in the base. So that automatically eliminates 20 percent of the electricity being sold in this country today.

It says: OK, that way, you can suggest to people we have a 20-percent goal here—whereas the one I have sent to the desk is only 15 percent. But you do not need to be a mathematician to realize that after you take the 20 percent out, and you take 20 percent of 80 percent, then you are getting down to 16 percent. So, essentially, there is some smoke and mirrors going on there.

Second, they say: OK, let's redefine how you can meet that requirement, that 16 percent requirement, which is what it, in fact, is. They say: You can meet it by using any of the renewable sources the Bingaman amendment allows for; and that is, biomass, solar,

wind, geothermal, tidal energy. Those are all options. In addition, if you want to build another nuclear plant, that counts. If you want to improve energy efficiency, that counts. If you want to adopt some demand response programs to reduce demand, that counts against your requirement. If you want to use the capture and storage technology, that counts. The Secretary is given authority to identify other things that could count, too, which are unspecified in the bill.

So, essentially, what you wind up—and then the final thing it does with our amendment is it says: If you are a State that has some kind of program, and you think it is pursuing the same—I will read the exact language. It says:

> If the governor of a State submits to the Secretary a notification that the State has in effect and is enforcing a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard under this section, then the State may elect not to participate in the Federal program.

So, essentially, it is an invitation to States to adopt something and then opt out, which I think undermines what we are trying to accomplish.

Essentially, the way I read the amendment by my colleague, his second-degree amendment would basically say: Let's put together this complicated trading system to keep track of what utilities are doing, but, in fact, it is designed essentially to mirror what they are already planning to do at any rate. It doesn't require them to do anything different.

The amendment I have sent to the desk does require them to do some things differently. They are going to have to actually start either producing energy from renewable sources, buying energy that has been produced from renewable sources by someone else, buying credits from someone else who has produced more renewable energy than they, in fact, needed, or pay a compliance fee to the Secretary of Energy. So we have some real teeth in our provision.

Now, it is not as strong as some Senators would like. I know my colleague, who is about to speak, will speak to that issue, and I know Senator KERRY from Massachusetts feels very strongly that this is not a strong enough requirement that I have suggested. But I would suggest to anyone who is studying these issues, the proposal I have made is a vastly stronger proposal than the one that my colleague, Senator DOMENICI, has proposed as an alternative.

I urge my colleagues to study both amendments tonight and perhaps tomorrow we can get a vote on both amendments. Also, I know Senator KERRY would like an opportunity to propose that we have even a stronger standard. I think he should be given that opportunity.

Mr. President, I ask unanimous consent that three letters—one from Constellation Energy, one from a large group of environmental organizations, and then another one from a separate group of environmental organizations—be printed in the RECORD.

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

CONSTELLATION ENERGY,
Baltimore, MD, June 13, 2007.

Senator JEFF BINGAMAN,
Chairman, Senate Energy and Natural Resources Committee, Hart Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN: Constellation Energy is a Fortune 200 competitive energy company based in Baltimore, Maryland. We are the nation's leading supplier of competitive electricity to large commercial and industrial customers and one of the largest wholesales power sellers. We serve approximately 57,000 megawatts of load on a daily basis, which is equal to the amount of electricity consumed by the State of California daily. Additionally, we are one of the largest renewable energy credit suppliers in the northeast.

We believe that it is time to enact a nationwide, market-based renewable portfolio standard and we support your efforts to amend S. 1419, with your RPS amendment mandating a 15% standard by 2020. As you know, the State of Maryland also has a renewable portfolio standard, which we supported. That law also takes into account a market-based mechanism to achieve its objectives. In addition to generating or purchasing renewable energy in Maryland, electricity providers have the option of complying with the standard by making Alternative Compliance payments (ACP). The Maryland law directs ACPs to be paid into the Maryland Renewable Energy Fund, the purpose of which is, ''to encourage the development of resources to generate renewable energy in the State.'' The Maryland law goes on to say that, ''. . . the Fund may be used only to make loans and grants to support the creation of new . . . renewable sources in the State.''

We are somewhat concerned that your amendment may create a situation where electricity providers and, by proxy, our customers, may end up paying duplicatively for a separate federal and state program because of uncertainty regarding your definition of, ''direct associations with the generation or purchase of renewable energy''.

We think this issue should be surmountable and would like to work with you on this concern as your provision moves through the legislative process.

Finally, we appreciate your long standing support of nuclear power and want to continue our efforts to bring the next generation of nuclear power plants to this country.

Sincerely,

PAUL J. ALLEN,
Senior Vice President, Corporate Affairs, Constellation Energy Group.

JUNE 13, 2007.

VOTE YES ON THE BINGAMAN RENEWABLE PORTFOLIO STANDARD, VOTE NO ON THE DOMENICI CLEAN PORTFOLIO STANDARD

DEAR SENATOR: On behalf of our members and supporters nationwide, we urge you to support the amendment by Senator Bingaman to create a national Renewable Portfolio Standard (RPS) in energy security legislation now being considered on the Senate floor. Adopting a RPS would enhance national energy security by diversifying our sources of electricity generation and would also have substantial environmental benefits, such as reducing the emissions of greenhouse gases.

We urge you to oppose the ''Clean Portfolio Standard'' amendment by Senator Domenici that allows new hydropower to qualify as new renewable energy under a RPS. Existing hydropower generation comprises about 7% of the nation's net electricity production. The RPS should be reserved for emerging technologies that need help to enter the marketplace. Hydropower, a mature technology that has not advanced significantly since the 19th century. Allowing new hydropower into a RPS would usher in a new era of dam building, destroying our nation's last remaining free-flowing rivers and encourage developers to retrofit existing dams, many of which have significant environmental impacts or pose a threat to public safety.

While hydropower is an important source of energy, this energy comes at a great cost to the health of our nation's rivers and communities. Many hydropower plants pipe water around entire sections of river leaving them dry, or worse, constantly alternating between drought and floodlike conditions. Hydropower turbines can chop fish into pieces, and can even change the temperature and basic chemistry of the water, harming fish and wildlife. Hydropower's impacts have even caused the extinction of entire species.

We urge you to support the Bingaman Renewable Portfolio Standard and oppose the Domenici Clean Portfolio Standard.

Sincerely,

American River, American Whitewater, Appalachian Mountian Club, California Outdoors, California Sportfishing Protection Alliance, California Trout, Catawba-Wateree Relicensing Coalition, Coastal Conservation League, Columbia Riverkeeper, Connecticut River Watershed Council.

Central Sierra Environmental Resource Center, Foothill Conservancy, Foothills Water Network, Friends of Butte Creek, Friends of Living Oregon Waters, Friends of the Crooked River, Friends of the River, Georgia River Network, Hydropower Reform Coalition, Idaho Rivers United.

Michigan Hydro Relicensing Coalition, Missouri Coalition for the Environment, New England FLOW, New York Rivers United, Northwest Resource Information Center, Northwest Sportfishing Industry Association, Oregon Wild, Republicans for Environmental Protection, River Alliance of Wisconsin, San Juan Citizens Alliance.

Save Our Wild Salmon Coalition, The Lands Council, Trout Unlimited, Upper Chattahoochee Riverkeeper, Utah Rivers Council, Vermont Natural Resources Council, Washington Kayak Club, West Virginia Rivers Coalition, Western Carolina Paddler.

JUNE 13, 2007.

DEAR SENATOR: On behalf of the undersigned organizations, we urge you to support the Renewable Electricity Standard (RES) to be offered by Senator Bingaman.

The Bingaman RES amendment would require utilities to obtain at least 15 percent of their electricity from clean renewable energy sources by 2020. A recent analysis by the Union Concerned Scientists found that the Bingaman amendment would save consumers $16.7 billion on their energy bills, while reducing global warming emissions by the equivalent of taking 41 million cars off the road. The standard will diversify our energy supply with American-grown energy resources create thousands of good new jobs, and generate millions of dollars for farmers, ranchers, and local communities.

We urge you to oppose the Domenici amendment.

The Domenici amendment would severely curtail our ability to deploy clean renewable resources and stall investment in a clean renewable future. Because it includes nonrenewables, coupled with huge state and federal waivers, the Domenici amendment

would fail to guarantee any of the benefits for consumers, large energy users, and farmers and ranchers contained in the Bingaman amendment

For example, the Domenici amendment would:

Waive requirements for state to participate in the program if the governor found state programs to be ''substantially contributing to the overall goal.'' This vague language could stifle investment in renewables and cripple the federal trading program that assures the lowest possible cost for renewable energy.

Weaken renewable requirements by including non-renewables such as nuclear power. These provisions would subtract all existing nuclear generation from the utilities renewables requirement, give utilities credits for already-planned and economic capacity upgrades, provide a windfall for the poorest performing nuclear plants of the last 3 years, and give credits for building new nuclear power plants that are already heavily subsidized in the 2005 Energy bill. These nuclear bailouts and subsidies would reduce the potential contribution of new renewable energy from the Bingaman proposal.

Allow utilities to receive credits for ''an inherently low-emission technology that captures and stores carbon'' without defining what that technology might be or assuring how much, if any, of the carbon actually gets stored, or how permanent such storage is.

Allow DOE to designate ''other clean energy sources'' to qualify for clean energy credits without any restrictions on the Secretary.

Undercuts the development of new renewables by including all ''new'' hydropower. This would encourage new dam construction irrespective of the potential for significant environmental impacts these facilities can have. The Domenici amendment would reverse the compromise language in the Bingaman amendment that would permit ''incremental'' hydro power that encourages new hydropower generation while protecting natural resources.

Includes electricity savings from energy efficiency and demand-response programs, which will further erode the national energy security, diversity, economic, and environmental benefits of developing new renewable energy sources. While we support a separate standard for energy efficiency and demand-response, the Domenici amendment would create a zero sum game between efficiency and renewable energy by forcing them to compete under the same standard.

Overall, the combined effects of allowing nuclear, efficiency, demand-response, as well as new hydro, and other non renewable clean energy sources to qualify for the standard-without any restrictions—would greatly reduce, and potentially eliminate, the development of new renewable energy sources and the corresponding economic and environmental benefits.

We urge you to support the strong Bingaman RES amendment and oppose weakening amendment such as the Domenici amendment, as it would take us backwards, not forwards on energy policy.

Sincerely,

EarthJustice, Environmental Law and Policy Center, Greenpeace, National Audubon Society, National Environmental Trust, Natural Resource Defense Council, Sierra Club, Southern Alliance for Clean Energy, Union of Concerned Scientists, U.S. Public Interest Research Group, Western Organization of Resource Councils.

MORNING BUSINESS

Mr. BINGAMAN. Mr. President, at this point I ask unanimous consent that the Senate now be in a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes.

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

The Senator from Vermont is recognized.

ENERGY

Mr. SANDERS. Mr. President, let me thank Senator BINGAMAN for his leadership efforts in addressing one of the major crises facing our country. I thank Senator DOMENICI as well.

As Senator BINGAMAN just indicated, I would go further than he is going in his proposal. I think he has made an important step forward, but I think given the gravity of the situation we face, it is imperative for the future not only of our country but for the future of our planet that we seize this moment and we be bold and we be aggressive because if we are not, what the scientific community is telling us is that the results could be catastrophic.

When thousands of scientists from the Intergovernmental Panel on Climate Change tell us with 100 percent certainty that global warming is real, and with 90 percent certainty that it is manmade, we should listen. When these scientists tell us that today, in terms of the melting of glaciers and permafrost, in terms of the increase in drought around the world, the increase of forest fires we are seeing in the United States, in terms of the loss of drinking water and farmland all over the world today, it would be absolutely irresponsible not only for us but for future generations if we did not stand up and say we are going to do everything we can to lower greenhouse gas emissions and reverse global warming.

I have introduced legislation—which the Presiding Officer is one of the cosponsors of and was introduced with Senator BOXER—which, in fact, would lower greenhouse gas emissions by 80 percent less than where they were in 1990. I think that is the type of aggressive effort that we need. If Senator KERRY offers his amendment to make sure 20 percent of the electricity we produce in this country comes from renewables, I will strongly support that legislation. Fifteen percent, as Senator BINGAMAN has proposed, is a good step forward, but it does not go far enough.

The bad news is that as a nation, we are lagging far behind the rest of the world, or many countries in the world, in going forward in terms of energy efficiency and sustainable energy. The bad news is that today in America, in terms of transportation, we are driving vehicles which, if you can believe it, get worse mileage per gallon than was the case 20 years ago. Meanwhile, several weeks ago, I was in a car which was a retrofitted Toyota Prius which gets 150 miles per gallon. Yet, as a nation, on average we are driving vehicles which get worse mileage per gallon than we had 20 years ago.

All over our country, we are lacking in public transportation. In Europe, in Japan, in China, their rail systems are far more sophisticated and advanced than we are. Our roadways, from Vermont to California, are clogged with cars, many of them getting poor mileage per gallon. Yet we are not investing and creating jobs in mass transportation. But it is not only transportation that we are lacking in, studies have indicated that if we make our own homes more energy efficient, we can save substantial amounts of energy.

Some estimates are, if we do the right things, we could cut our energy expenditures by 40 percent—40 percent. Yet there are millions of homes in this country inhabited by lower income people who don't have the money to adequately insulate their homes, put in the kind of roofs they need, the kind of windows they need, and we are literally seeing energy go right out of the doors and the windows because we are not adequately funding weatherization. But it is not just lower income people. Many middle-class families are also in homes that are inadequately weatherized, inadequately insulated.

One of the things I have long believed as I have studied this issue of global warming is that not only do we have the moral imperative to reduce greenhouse gas emissions significantly so that we can reverse global warming, but in that process we can seize this crisis, respond to this crisis, and create some very golden opportunities in terms of creating good-paying jobs. If you look at those areas in the world where they have moved most effectively in terms of reducing greenhouse gas emissions, such as Germany, many countries in Europe, and our own State of California, the result has been, yes, there has been economic dislocation, but at the end of the day, they have created a lot more jobs than they have lost.

I have worked with groups such as the Apollo Project, which is a group that brings together labor organizations as well as environmentalists, that say: How do we move toward lowering greenhouse gas emissions and creating good-paying jobs? The opportunities are sitting right in front of us.

Detroit has lost billions and billions of dollars year after year by building cars that many Americans no longer want. Maybe if we move toward energy-efficient cars, people might start buying those cars, and instead of laying off workers, maybe we can create more jobs. Think of the jobs we can create as we build a rail system that we are proud of. As cities like Chicago and New York and other cities rebuild their antiquated subway systems, we can create jobs doing that.

We can create jobs all over this country in terms of energy efficiency. As we move toward biofuels, I can tell my colleagues that in my State of Vermont, our small family farmers are struggling very hard to stay on the

land. There is a lot of evidence out there that we can create significant income for family-based agriculture as we move to biofuels, not only in Vermont but all over this country.

The good news is there is a lot of good, new technology out there. That means we have the opportunity right now to build the cars of the future. I was in an electric car last month which now has a range of 200 miles—200 miles in an electric car. That is far more than most people use in a day. There is potential there as well.

If we look at what is going on in the world right now, the fastest growing source of new energy is wind. There is huge potential in terms of the growth of wind technology. One of the reasons I am supporting the strongest possible energy portfolio is that I want to see the wind technology exploding and growing all over this world. The more that is produced, the cheaper it will become. When I talk about wind, we are not just talking about large wind farms, as important as that is, as part of the energy mix. We are talking about small wind turbines which we believe in 5 or 6 years will be available for $10,000, $12,000, $14,000 that on average can provide half of the electric needs a rural house might need.

Look at what is going on in California right now. I think we owe a lot to our largest State for leading us in a direction that the rest of our country might want to emulate. In California now what they are saying is that in 10 years they want, and have funded, the need for 1 million photovoltaic units on rooftops throughout California—1 million. In California, what they are saying is they can provide significant incentives to those people who want to install photovoltaics. There is huge potential in this country moving toward solar energy. One of the issues that concerns me and saddens me is that the technology for solar energy, which was originally developed in the United States, has now moved abroad.

Think of all of the jobs we can create if we as a nation had the goal of saying, in 10 years we will have 10 million rooftops in America using solar energy. Think how many jobs we can create by people installing those units. Think of the jobs we can create as American factories start producing those photovoltaic units—not in China, not in Japan, not in Germany, but producing them right here in the United States of America. But to do that, we are going to need the policies such as net metering, which says if I own a photovoltaic unit and I produce more than I am consuming, it goes back into the grid and I get paid for that, as they are doing right now in Germany.

It means if I am a middle-income person who cannot afford the $30,000 I need to install that photovoltaic unit, I am going to need some help, and it may be a lot more than the type of tax credits we are now providing. I think we could learn from California, which is encouraging people in a much more generous way than we are doing.

It is quite similar for wind production as well; that is, the production tax credit should be significantly increased and the investor tax credit should be significantly increased as well.

Some people might say: Well, Senator SANDERS, this will cost a lot of money. They are right. It will cost a lot of money. But I would remind my colleagues that not too long ago on the floor of this Senate a significant number of Senators voted to repeal the estate tax completely—repeal the estate tax completely—which would cost our Government $1 trillion over a 20-year period. All of those tax breaks are going to the wealthiest three-tenths of 1 percent of the population, the very wealthiest people in America.

Well, if some of my friends think we have the resources to provide $1 trillion in tax breaks to the wealthiest three-tenths of 1 percent, I would argue that we have the resources to incentivize the American people to purchase automobiles and other vehicles that get good mileage per gallon, incentivize and help people to put photovoltaic units on their rooftops, and incentivize and help people in rural America to purchase small wind turbines which could provide a substantial amount of electricity for their homes.

So the good news is that today, unlike 20 or 30 years ago, what we can say in honesty is that the technologies now are available in terms of transportation and energy efficiency.

Last month I talked to a major manufacturer of electric lights. What he told me is that in 4 or 5 years, there will be lights on the market, LED lights, which will last for 20 years when plugged in and consume about one-tenth of the electricity that is currently being consumed. Those are the kinds of breakthroughs we are making right now.

What we have to do as a Senate right now is provide the incentives to the American people to go out and purchase the lightbulbs which today might cost, if it is even a compact fluorescent lightbulb, more than an incandescent lightbulb, but in the long run, you save money. But we have to help those who do not have the money to do that.

An argument could be made that if the Federal Government helped every American purchase compact fluorescent lightbulbs and pay for those lightbulbs, we probably will save money in the long run without needing to build new powerplants, and certainly we would be making a major investment in lowering greenhouse gas emissions.

I conclude by saying that we would be absolutely irresponsible if we did not stand up to the big oil companies, the big coal companies, and all of those people who want us to continue to go along the same old path. We would be irresponsible because we would not be bringing about the changes we need to protect our kids and our grandchildren and, in fact, the very well-being of our planet.

I hope that as this debate continues for the rest of this week and into next week, that what we understand is that there is an absolute moral imperative that we act as boldly as we can to lower greenhouse gas emissions, that we act as boldly as we can to break our dependency on fossil fuels, that we be prepared to be a leader in the world in terms of moving toward energy efficiency, and that we embrace the new technologies that are out there in terms of solar energy, wind energy, geothermal, and other energies.

The more we invest, the more we produce, the more breakthroughs we will see. There are extraordinary opportunities out there, and if we do the right things, if we get our act together, 30 years from today the kind of energy system that exists in this country will look very different than the one that exists now. Not only will we be able to lower greenhouse gas emissions and reverse global warming, we are going to clean up the planet, which I think will go a long way to prevent many types of diseases that currently exist.

Now is the time for boldness, now is the time for the United States not to continue being a laggard behind other countries on this issue but becoming a leader around the world. It is not good enough to criticize China and India. What we need to do is become a leader and reach out and help those countries move forward in combating global warming.

This is the opportunity, and I think history will not look kindly upon us if we do not take advantage of this moment.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Ohio.

Mr. BROWN. Madam President, I echo the words of the Senator from Vermont about the Energy bill being an opportunity for our country—an opportunity in terms of a better environment, global warming, to preserve our planet, an opportunity to stabilize energy costs, and an opportunity especially for good-paying jobs.

I come from a State that has taken a real hit from the Bush economic policy. I come from a State that has taken a real hit from trade policy through the last two administrations, Democratic and Republican administrations.

I look at what we are able to do with this Energy bill and better manufacturing policy.

I start with a story. Oberlin College is a school halfway between Cleveland and Toledo, not far from where I live. It is the site of the largest freestanding building on any college campus in the country fully powered by solar energy. The problem is that all of the solar panels were imported from Germany and Japan because we simply do not make enough solar panels in this country to do what we ought to be doing. It is the same with wind turbines. Toledo is especially well known for research in wind turbines and wind power. Yet with the exception of a plant in Ashtabula that makes a small component

for wind turbines, very little manufacturing is done in this country on that particular alternative energy.

With the right kinds of incentives and with changing tax law, changing trade law in the Energy bill, Ohio, as the industrial Midwest, can play a major role in alternative energy.

We have seen energy policy, tax policy, trade policy, and the failure to have a manufacturing policy cause significant job loss. My State has lost literally hundreds of thousands of manufacturing jobs since President Bush took office, in part because of the lack of a manufacturing policy and no leadership from the White House, in part because of trade policy, in part because of tax policy.

For us, as we look to the future on trade agreements and trade policy, it is not good enough just to oppose bad trade agreements, it is not good enough to oppose the next round of NAFTA or CAFTA, it is not good enough to try to fix PNTR with China. We need a much more forward-looking manufacturing policy. That means expanding efforts on exports. It means expanding the Manufacturing Extension Program that Senator KOHL has worked on and I have worked on, and others. And it means a different regimented trade policy.

The Bush administration has just announced with some Members of the House of Representatives, some Members of my party, that they want to move forward on the Panama and Peru trade agreements. Those are two trade agreements where the administration finally has decided they support environmental and labor standards, but this is also an administration that has never pushed very hard for environmental and labor standards in our own country.

I would look askance at the administration's promises without more proof of what, in fact, they are going to do on enforcement of labor and environmental standards. All one need do is look at the news stories that came out after the announcement from our U.S. Trade Ambassador Schwab and some House Democrats that there would be labor and environmental standards in the Panama and Peru trade agreements when soon after those news stories they said they may not be in the core trade agreements, that they may be in side deals, side agreements. We learned that lesson once with NAFTA where the labor standards and environmental standards were outside the agreement in a separate agreement, and that simply didn't matter. It didn't help that trade agreement work for American families in Steubenville or for workers in Toledo. It didn't work for communities in Finley and Lima and Mansfield.

We also know, listening to the discussions after the Peru and Panama trade agreements were announced with the labor and environmental standards, some people do not seem so certain that they are going to work as hard on enforcing these labor standards and environmental standards as they might have initially promised. All we need to do is look at the Jordan trade agreement passed in 2000, a trade agreement in the House of Representatives I supported but a trade agreement that had labor and environmental standards. Soon after President Bush took office, U.S. Trade Representative Robert Zoellick sent a letter to the Jordanians with a wink and a nod saying that because of dispute resolution issues, he wasn't going to enforce those labor and environmental standards.

If we are going to move forward on trade policy, it means stronger labor standards, stronger environmental standards, and stronger food safety standards. It means standards in the agreements, as part of the agreements. It means enforcing those agreements, and it means a manufacturing policy, the Manufacturing Extension Program, better assistance for small companies to export, better currency rules, particularly with China. It means benchmarks so that once these trade agreements pass, we can gauge whether the trade agreements helped our trade surplus deficit, our trade relations, and that there be benchmarks showing if there were job increases or job losses, did it mean a lower trade deficit or higher trade deficit, did it mean wages went up or wages went down for American workers. We need those benchmarks if we are going to pass trade agreements so we can look a year later and see if these trade agreements are working.

I contend they certainly are not working. The year I ran for Congress, the same year the Presiding Officer was elected to Congress, in 1992, we had a trade deficit of $38 billion. In 2006, our trade deficit exceeded $800 billion. Our trade deficit with China bilaterally in 1992 was barely in the double digits. Today, our trade deficit with China is upward of $230 billion.

President Bush 1 said $1 billion in trade deficit is equivalent to the result of about 13,000 fewer jobs, and if you just do the math and look at the trade deficit, multiplying times 20, from a factor of 20, the trade deficit is that much larger today than it was a decade and a half ago, you know it is costing us jobs. That is why a trade agreement with a tax policy, with a manufacturing policy that really does help American communities, that helps people in Toledo, Finley, Zanesville, Springfield, Miami Valley, and the Mahoney Valley in my State, will matter to help build a middle class.

I am hopeful that as we do this Energy bill and the House and Senate move ahead on trade policy in the next year, that we can link these so that it really does help to create a middle class, strengthen the middle class in our country with better trade, tax, and manufacturing policies.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise in support of Senator BINGAMAN's renewable portfolio amendment which would require that 15 percent of the Nation's electricity be generated from renewable sources by 2020.

I have heard from my office some of the debate which has taken place today. I was surprised that some of my colleagues have characterized this amendment as some sort of Federal giveaway for the wind industry. The renewable portfolio standard will not just benefit the wind industry, of course, but it will also benefit the production of energy from solar, biomass, electricity from biogas, small hydro, geothermal, and ocean and tidal energy projects as well.

This diverse set of energy sources will help protect us from the fuel price increases, such as those we have seen in natural gas recently. In turn, this reduction in demand for natural gas might even cause natural gas prices to fall, causing electricity prices to also fall.

Another economic benefit of the renewable portfolio standard is that it would help these emerging technologies flourish in the United States. Right now there are renewable energy firms in Europe that are outpacing their U.S.-based competitors. But by driving up demand for renewable energy domestically, we will help develop these industries at home, creating jobs and allowing us to develop energy as a domestic economic engine. At the same time we are meeting our energy challenges, at the same time that we are meeting the economic imperative of our energy challenges, at the same time that we undermine foreign countries—for which we are giving our dollars abroad in terms of our addiction to those energy sources—we can also fuel a domestic economic engine by pursuing these sources.

Of course, the most dramatic effect of the amendment will be its positive impact environmentally. According to the Energy Information Administration, it will reduce carbon emissions by 222 million tons per year by the year 2030, and other reports project reductions of as much as 10 percent per year from the electricity sector. This would be the equivalent of removing 71 million cars from the road. Think about it—removing 71 million cars from the road.

I also want to point out what this amendment will do for the solar energy industry. This amendment will provide triple renewable energy credits to solar energy. As a result, it has been estimated that this will result in a 500-percent increase in solar energy production.

Solar needs to be a significant part of America's energy future. When you have a way to generate energy that produces no carbon emissions, has no moving parts, makes no noise, and results in no adverse wildlife impacts, that is something we as a nation need to be pursuing.

My home State of New Jersey realized this a few years ago and set about enacting policies designed to spur the growth of its solar market. The results have been extremely successful. New Jersey has the second largest solar market in the entire Nation, from 6 installations to nearly 2,000 in just 5 years, over 7 megawatts of installed capacity, and tens of millions of kilowatt-hours produced each year. New Jersey, of course, is blessed with many things, but it is not blessed with more Sun than most of the rest of the Nation. The State simply recognized that by being visionary we could not only start generating large amounts of pollution-free energy in our own State, but we could also provide a kick-start to a whole new industry. That industry, of course, generates not only great energy, truly clean energy, truly renewable energy, but at the same time creates a very significant economic positive consequence as well.

What New Jersey has done we must do as a nation. The renewable portfolio standard amendment, along with the extension of solar tax credits, will help expand the use of solar energy, and, most importantly, lower the cost.

I also want to urge my colleagues to oppose the Domenici amendment—the amendment that Senator DOMENICI has offered to Senator BINGAMAN's renewable portfolio standard amendment. That amendment would stall the development of renewable energy and thereby undercut the entire point of this bill. There are some who don't want to challenge the industry. There are those who don't want to bring us to a higher standard. For them, the Domenici amendment to Senator BINGAMAN's renewable portfolio standard is their out. That is their out.

For those Members of the Senate who don't want to bring us to a higher challenge, who don't want to challenge the industry, who, in essence, are happy to support the status quo, the Domenici amendment is their solution.

The Domenici amendment, however, has numerous problems. To begin with, the substitute would allow States to opt out of the standard for just about any reason—just about any reason. If a State can opt out, the renewable industries will be hesitant to adequately invest in these projects and, therefore, we won't move forward.

The substitute will also weaken renewable requirements by including nonrenewables, such as nuclear power. This would divert money from renewables to an already well-subsidized energy source.

The Domenici substitute would also allow the Department of Energy to designate ''other clean energy sources'' to qualify for clean energy credits without any restrictions on the Secretary—without any restrictions on the Secretary. Who knows what would be included under such a definition. This would leave discretion for the Secretary to include ''clean coal'' or any other source of energy one could put the word ''clean'' in front of.

In addition, the Republican substitute would include energy inefficiency projects and demand-response programs. The more things we add to the standard, the less meaningful the standard becomes. We cannot pit efficiency against renewables. We need both efficiency and renewables to flourish in partnership and not compete for investment dollars.

Once again, I praise Senator BINGAMAN, the chair of the Energy Committee, on which I have the privilege of sitting, for his amendment, for his vision, for bringing us and challenging us to a higher standard, one that the Nation clearly needs. It will be beneficial for our environment, it will boost our domestic economy, and it will reinforce the actions taken by 23 States that have already shown leadership by instituting renewable portfolio standards. If the States have already shown leadership in this regard, the Nation and the Senate need to show the same leadership.

I urge my colleagues to vote in favor of that important amendment and against efforts to weaken this important provision. Those are, I hope, words that Members of the Senate will take to heart.

TRIBUTE TO PETER CHASE NEUMANN

Mr. REID. Madam President, today I rise to honor the achievements of Peter Chase Neumann. Not only is Peter recognized locally and nationally for his skill as a trial lawyer, he is also deeply involved with philanthropies whose work has been enormously beneficial to Nevada. These significant contributions have resulted in Peter being named the recipient of the Nevada Trial Lawyers Association Lifetime Achievement Award, and deservedly so.

Peter has tried more than 150 civil and criminal cases to verdict and almost 50 appeals to the Nevada and Arizona Supreme Courts. His ability in the legal profession is renowned, and his talents are wide-ranging, from trial advocacy in personal injury cases to writing academic articles. He has dedicated himself to the cause of justice for the wrongfully injured, and has been recognized for his work in Town and Country Magazine's Top Trial Lawyers in America, in Las Vegas Magazine, by Top Gun Lawyers in Nevada and by The Best Lawyers in America.

His leadership in the legal community is unparalleled: He has served as president of the Arizona, Nevada, and Western Trial Lawyers Association, and on the Board of Governors for the American Trial Lawyers Association. He was both legislative advocate for and president of the Plaintiff's Bar, and was accepted as a diplomat in the International Society of Barristers and the American Board of Trial Advocates.

His devotion to the law has not in any way impeded his philanthropic contributions. He and his wife Renate have served with the Angel Kiss Foundation, a nonprofit dedicated to helping families cope with the financial burdens associated with childhood cancer. President Clinton recognized Peter's influence and appointed him to the Tahoe Regional Planning Committee. He has involved himself with Scenic America and Scenic Nevada, committing himself to the cause of protecting Nevada's natural treasures in the Lake Tahoe region and beyond.

Peter is also an accomplished airplane pilot. In recent years, he has spent untold hours soaring in his gliders all over America.

Most people know Peter for his reputation as a renowned trial lawyer or for his work in the philanthropic community in my State. But I have had the privilege to call Peter my friend. It is my great pleasure to offer congratulations to Peter Chase Neumann for his lifetime of excellence in his profession, in his public service, and in his philanthropy.

HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, with the cost of health care continually increasing for employers, individuals, and the Government combined with the growing number of uninsured Americans it is clear that our health care system is in dire need of change. My goal is to help every American have access to affordable health insurance and to continue the State Children's Health Insurance Program, SCHIP.

In an op-ed in The Hill on June 6, 2007, the Secretary of Health and Human Services, Mike Leavitt, suggested a very good proposal for increasing access to health insurance. His proposal calls for reauthorization of SCHIP and keeping the program's focus on kids, providing the same tax advantage to all Americans through a standard deduction for health insurance, and encouraging State innovation through grants to help low income individuals afford private health insurance.

I support Secretary Leavitt's ideas. However, health care reform is too big of an issue for one party to tackle on its own. Our only chance of achieving true, meaningful reform is if both parties work together. This involves reaching across the aisle and getting Democrats to say two words ''private markets'' and Republicans to say to two words ''universal access.''

Two of my colleagues have put forward two different but thoughtful pieces of legislation addressing the uninsured Senator WYDEN's Healthy Americans Act, S. 334, and Senator COBURN's Universal Health Care Choice and Access Act, S. 1019. But I am doing something that I rarely do cosponsoring both of them to encourage my goal of affordable health insurance for every American while continuing the SCHIP program helping children.

I have cosponsored these bills in the spirit of reform, but that does not mean I support every provision in both

pieces of legislation. In fact, there are some provisions that I oppose. Though not perfect, these bills are an important first step toward achieving access to health services for all Americans.

REQUEST FOR SEQUENTIAL REFERRAL

Mr. ROCKEFELLER. Madam President, I ask unanimous consent to have my letter of June 12, 2007, to Senator REID printed in the RECORD.

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, June 12, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: Pursuant to paragraph 3(b) of Senate Resolution 400 of the 94th Congress, I request that S. 1547, the National Defense Authorization Act for Fiscal Year 2008, and its companion measure, S. 1548, the Department of Defense Authorization Act for Fiscal Year 2008, both of which were filed by the Committee on Armed Services on June 5, 2007, be sequentially referred to the Select Committee on Intelligence for a period of 10 days, as calculated under S. Res. 400. The basis for this request is that the bills contain matters within the jurisdiction of the Select Committee.

Thank you for your assistance.

Sincerely,

JOHN D. ROCKEFELLER IV,
Chairman.

CBO STUDIES

Mr. GREGG. Madam President, today there is a great deal of debate about how Americans are doing, in particular those considered low income. I rise today to dispel a major misconception about the progress of low-income Americans. Those on the other side of the aisle would have you believe that when one person does better it must be at the expense of another. Nothing could be further from the truth. In fact, when Congress adopts policies that encourages individuals to work harder, save, take risks, and invest more, the economy does better and everyone benefits. Two recent studies I requested from CBO prove a rising tide does lift all boats.

The first report issued in December, entitled ''Changes in Low Wage Labor Markets Between 1979 and 2005,'' found that the inflation adjusted hourly earnings of U.S. workers was 10 percent higher now than back in 1979. Since 1990 those in the bottom 10th percentile of wage earners witnessed their inflation adjusted wages increase 12.8 percent, more than 2.5 percentage points faster than those in the statistical middle.

CBO's second report entitled ''Changes in the Economic Resources of Low-Income Households with Children'' indicates that poor households with children experienced real earnings gains of 80 percent since 1991, outpacing even those in the top income quintile whose earnings grew 54 percent. This fact is even more amazing viewed in the context of welfare reform.

Those opposing welfare reforms in the mid 1990s argued that limiting direct Government assistance and requiring low-income people to work more would prove to be disastrous. However, low-income households with children now rely less on the Government, are more self reliant and have a higher standard of living. In 1991, low-income households relied on the Government for a majority of their income with earnings accounting for just 49 percent. Today, low-income households earn 65 percent of their income and rely on Government assistance for the remainder. Female headed households also rely less on the Government for their livelihood. In 1991, 35 percent of their income was earned compared with 54 percent now. The share of their income derived from AFDC or TANF fell from 42 percent in 1991 to 7 percent in 2005.

These two studies prove that when the Government interferes less in the lives of its citizens, they are more productive. Once unencumbered by Government, people are motivated to work harder, save, and invest more.

PASSING OF ADEN ABDULLE OSMAN

Mr. COLEMAN. Madam President, I would like to take the opportunity to express sorrow on behalf of the Somali community of Minnesota, which is currently mourning the death of an important figure for Somalia, former President Aden Abdulle Osman. Aden Abdulle Osman, known by many Somalis as Aden Adde, passed away at the age of 99 on June 7, 2007.

Aden Abdulle Osman became the first President of Somalia in 1960 after the country gained its independence on July 1. Mr. Osman served as President of the newly formed Somalia until June 10, 1967. President Osman led his country during the critical time of its formation and development into a full-fledged state. When he lost the Presidential election in 1967, President Osman graciously ceded his position to his opponent, Abdirashid Ali Shermarke. In doing so, Aden Abdulle Osman set an example for the peaceful transfer of democratic power, which is a critical aspect of all democratic systems. For this reason, Aden Abdulle Osman is viewed throughout Somalia and Africa as a model of statesmanship that seeks the greater good.

I am privileged to represent the State that has the largest Somali community in the U.S. The Somalis of Minnesota represent a thriving community that has enriched the fabric of our State through its vibrant culture. I would like to join my Somali constituents in expressing sorrow for Aden Abdulle Osman's death. It is my sincere hope that the current leaders of Somalia will look to his leadership as an example, and that such leadership will serve to usher Somalia towards peace, stability and democracy.

ADDITIONAL STATEMENTS

MODESTO'S NATIONAL NIGHT OUT

• Mrs. BOXER. Madam President, I ask my colleagues to join me in recognizing the outstanding National Night Out program in Modesto, CA. For the past 6 years, the city of Modesto has either ranked first or second in the Nation in National Night Out participation among cities with populations of 100,000 to 299,999.

Since its inception in 1983, National Night Out has brought millions of Americans together to take a united stand against crime and send a clear message to criminals that citizens and neighborhoods are committed to crime prevention. National Night Out has played an instrumental role in helping to raise crime and drug prevention awareness, generate support for and participation in local anticrime programs, and perhaps most importantly, improve neighborhood spirit and strengthen community-police partnerships.

In 2006, more than 35.2 million people and 11,125 communities from all 50 States, U.S. territories, and military bases worldwide participated in the National Night Out campaign. Conscientious citizens, law enforcement agencies and civic groups came together to participate in a variety of festive events and activities such as block parties, ice cream socials, flashlight walks, and visits from law enforcement and other public agencies to help promote the importance of community involvement in local crime-fighting programs.

In Modesto, 123 neighborhoods participated in National Night Out last year, making it the Nation's leader among cities with populations of 100,000 to 299,999. The city of Modesto is a shining example of the importance of community and cooperation in local crime-fighting efforts.

As the residents of Modesto gather for another successful National Night Out campaign, I would like to congratulate and commend its citizens, civic leaders, and the Modesto Police Department for their leadership and willingness to help make their city a safer and better place to call home.•

150TH ANNIVERSARY OF SACRAMENTO HIGH SCHOOL

• Mrs. BOXER. Madam President, I am pleased to recognize the 150th anniversary of Sacramento High School in Sacramento County, CA.

On September 1, 1856, as the Gold Rush came to an end in California and miners migrated into newly formed cities, Sacramento High School opened its doors and began a long tradition of quality education. As the second oldest high school west of the Mississippi, Sacramento High School is a historical landmark and symbol of a quality educational institution in California's capital city.

Sac High, as it is locally known, has been the alma mater of a wide range of notable alumni including NBA great Kevin Johnson, Pulitzer Prize winner Herb Caen, and a number of distinguished Californians, including former California Governor Hiram Johnson.

Most recently, nearly 100 percent of the senior class will have the opportunity to pursue a post secondary education, 70 percent of whom have been accepted to a public or private 4-year college. Sac High's Dragons have also accumulated many championships in a variety of athletics over the years, including the recent San-Joaquin Division III Championship that both men's and women's basketball teams have won.

As the school and the community celebrate Sac High's sesquicentennial, I would like to congratulate the past and present students, faculty, and administrators who upheld Sacramento High School's traditions and campus pride for the last century and a half and wish them another 150 years of success.●

NATIONAL HISTORY DAY

● Mr. DOMENICI. Madam President, I wish to recognize three great students from New Mexico today. These three students have harnessed their creativity and skills to produce amazing projects which were displayed today at the National Portrait Gallery in honor of National History Day. What a great achievement for these students to be selected out of 500,000 entries to be showcased in the National Portrait Gallery.

Shannon Burns, from Los Alamos Middle school, has put together a 10-minute documentary on Irish immigration and how it contributed to the American Civil War while Ryan Andrews-Armijo and Ashley Page from Moriarity Middle School contributed a documentary on the racial tensions and the triumph over those obstacles, of the 1966 Texas Western College basketball team. I was incredibly honored to meet with these three individuals earlier today, and I am impressed by their projects and their tenacity. I am proud to see these kids learn and put into action what they have learned at school and beyond.

I was also very pleased to hear of 44 other students, in total, from New Mexico participating in the National History Day contest in Maryland today. It is quite impressive to see how well New Mexico was represented in this nationwide contest.

National History Day is an academic organization for elementary and secondary children that has been celebrating history for over 25 years now. This exceptional scholarship program gives kids the opportunity to research a historical event and put that research into a format for others to enjoy. This is a great way for our children to learn and explore history while also putting their creativity to work. History is one of the cornerstone subjects taught in America's schools today. When students learn about the past, they are taught how to handle the future.

National History Day gives us a unique opportunity to reflect on our past and appreciate where we, as Americans, come from. History makes us who we are, it defines us. We must not forget our history. Learning history is as important today in our schools as it ever was. We must always be stewards of continual learning from our mistakes and victories.

Congratulations again to the amazing students participating in this great commemoration of history.●

NATIONAL HISTORY DAY PROJECTS

● Mr. INHOFE. Madam President, today I wish to recognize and congratulate students Natalie Haworth and Trenton Knight from Dill City High School in Burns Flat, OK, and Libby Trusty from Verdigris High School in Claremore, OK. These students have been selected to present their award winning National History Day projects in Washington, DC, today. Each project reflects on this year's National History Day theme, ''Triumphs and Tragedies in History.''

Haworth and Knight have been selected to present their history project at the White House Visitor's Center. Trusty has been selected to present her project at the National Archives and Records Administration. Their projects were selected by the National History Day program from hundreds of thousands nationwide.

Haworth's and Knight's project, ''Land Divided—World United,'' is a depiction of the historical creation of the Panama Canal. The exhibit begins with the original vision to construct a channel through Central America and extends all the way to the completion and proposed expansion of the Panama Canal.

Trusty is presenting a U.S. Supreme Court case which addressed the controversial issue of equal educational opportunities available throughout American history. Fisher v. University of Oklahoma Board of Regents was one of the unfamiliar but significant cases that ultimately led to the landmark decision to desegregate schools in America.

I believe it is important for students to be informed and educated about the milestones of American history, because it will strengthen them as our country's future leaders and provide them with the knowledge to continue to lead our Nation as our Founding Fathers intended. History is an integral part of the education of future generations of Americans, and I would like to commend the National History Day program for empowering teachers to improve history education and influencing students to follow these Oklahoma students' exemplary example.●

RECOGNIZING MATTHEW MARIUTTO

● Mr. MARTINEZ. Madam President, today I recognize and congratulate Floridian Matthew Mariutto for his outstanding work and achievement in the study of history, and specifically, for his award-winning documentary on Apollo I.

Each year, more than half a million students compete for recognition in the National History Day program. Students are given a general theme and the freedom to develop a presentation to present to the judges. This year's National History Day theme is ''Triumph and Tragedy in History.'' This exercise develops and enhances a student's abilities for critical thinking and problem solving skills, research and reading skills, oral and written communication, self-esteem and self confidence.

Based on the quality and accuracy of their projects, this year, around 2,000 finalists were chosen. Of that group, 22 students were given the privilege of presenting their projects at the Smithsonian American Art Museum and National Portrait Gallery here in Washington, DC.

Matthew Mariutto has been selected to present his documentary on ''Worth the Risk of Life: The Tragedy and Triumph of Apollo I.'' Matthew attends American Heritage School in Plantation, and his teacher is Leslie Porges.

History—and the teaching of its lessons—is an integral part of the education of future generations of Americans. I would like to commend the National History Day program for empowering teachers to bring history alive through innovative teaching methods and outside-of-the-classroom learning opportunities. I would also like to congratulate again, Matthew Mariutto, for his fine work.

Matthew, you have earned the admiration of the Sunshine State. Additionally, your teachers and school deserve a great deal of appreciation for contributing to your education.

Congratulations on a job well done.●

RECOGNIZING KELSEY TATE

● Mr. MARTINEZ. Madam President, today I recognize and congratulate Floridian Kelsey Tate for her outstanding work and achievement in the study of history, and specifically, for her award-winning performance on Alfred Nobel.

Each year, more than half a million students compete for recognition in the National History Day program. Students are given a general theme and the freedom to develop a presentation to present to the judges. This year's National History Day theme is ''Triumph and Tragedy in History.'' This exercise develops and enhances a student's abilities for critical thinking and problem solving skills, research and reading skills, oral and written communication, self-esteem and self confidence.

Based on the quality and accuracy of their projects, this year, around 2,000 finalists were chosen. Of that group, 22 students were given the privilege of presenting their projects at the Smithsonian American Art Museum and National Portrait Gallery here in Washington, DC.

Kelsey has been selected to present her performance on ''Alfred Nobel: Poverty to Prizes.'' Kelsey attends Deerlake Middle School in Tallahassee, and her teacher is Mr. Andrew Keltner.

History—and the teaching of its lessons—is an integral part of the education of future generations of Americans. I would like to commend the National History Day program for empowering teachers to bring history alive through innovative teaching methods and outside-of-the-classroom learning opportunities. I would also like to congratulate again, Kelsey Tate, for her fine work.

Kelsey, you have earned the admiration of the Sunshine State. Additionally, your teachers and school deserve a great deal of appreciation for contributing to your education.

Congratulations on a job well done.●

HONORING IMMUCELL

● Ms. SNOWE. Madam President, I wish to recognize a tremendously innovative small business from my home State of Maine that recently opened an upgraded production facility to benefit both its employees and its business operations. Immucell, an emerging biotechnology company based in Portland, opened its newly expanded building on June 7 to great fanfare. The new facility benefits Immucell's 30 employees, who now have enhanced space and equipment with which to conduct research and manufacture products. Equally as critical, the facility was designed to help Immucell more easily comply with current good manufacturing practice standards. Enforced by the U.S. Food and Drug Administration, current good manufacturing practice requirements assure quality in our food and medicines.

Immucell's specialized work is quite impressive. In a rapidly expanding biotech industry, Immucell has carved out a niche as a leading producer of medicines for animals in the dairy industry. The company's products, such as First Defense and Mast-Out, have ensured the safety and health of cows and calves that supply our milk and other dairy products. Working together with Pfizer, Immucell has managed to turn Mast-Out into a profitable product. Besides its products, Immucell's research provides the company a respected and prestigious role in the animal-health industry.

I was delighted to hear that Immucell is seeking to use its expanded facilities to extend its reach into overseas markets. What a great honor that would be for the State of Maine. Immucell contributes immensely to Maine's small business community, and the ever-increasing relevance of its work also places it at the forefront of modern science worldwide.

Immucell's efforts to become a leader in its market are noteworthy, and the vision that its leadership has for future growth reflects a steadfast determination for continued success. It is particularly exciting that a Maine small business is making such a name for itself in an industry replete with large companies. Immucell and its high-paying jobs provide us with a shining example of smart growth. I commend chief executive officer Michael Brigham and all the employees at Immucell for their wise choices and tremendous achievements, and I wish them much success in the future.●

RECOGNIZING KEITH AND PATTI JENNINGS

● Mr. THUNE. Madam President, today I wish to recognize Keith and Patti Jennings as they celebrate their ranch's 100-year anniversary. The Jennings family has the unique distinction of being one of the few functioning farm and ranch operations able to trace their roots back to family members who were the original homesteaders on the land. This is a truly impressive accomplishment for the Jennings family and the State of South Dakota.

This milestone celebration is a tribute not only to Keith and Patti Jennings but to their grandparents Robert and Lucille and their parents Darrell and Mary. The family can certainly take pride in the perseverance and fortitude that enabled three generations of Jennings to stay on and operate the same ranch for the past 100 years.

Keith and Patti Jennings should also be very proud of the contributions their children are making to the great State of South Dakota, Brian as executive director of the American Coalition for Ethanol, Barry as executive director of the South Dakota Beef Industry Council, Marla with the construction industry in Sioux Falls, and Byron as a student at South Dakota State University.

I would like to commend Keith and Patti for their 32 years operating the Jennings Ranch and for its 100 years of operation. South Dakota is fortunate to have the Jennings as lifelong residents. Families like theirs are the backbone of South Dakota's economy and future. I wish them continued success in the years to come.●

RECOGNIZING LAKE NORDEN, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Lake Norden, SD. The town of Lake Norden will celebrate the 100th anniversary of its founding this year.

Located in Hamlin County, Lake Norden is home to the South Dakota Amateur Baseball Hall of Fame, the Lake Norden Historical Society Museum, and the Donald Christman Toy Museum. Lake Norden has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Lake Norden on this milestone anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING HENRY, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Henry, SD. The town of Henry will celebrate the 125th anniversary of its founding this year.

Located in Codington County in northeastern South Dakota, Henry was founded in 1882 and has approximately 300 residents today. Henry has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Henry on this milestone anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING HAYTI, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Hayti, SD. The town of Hayti will celebrate the 100th anniversary of its founding this year.

The county seat of Hamlin County, Hayti was founded in 1907 by the South Dakota Central Railway as a stop on its line from Sioux Falls to Watertown. The town was named after the area's common practice of tying hay for fuel. Hayti has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Hayti on this milestone anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING FAULKTON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Faulkton, SD. The town of Faulkton will celebrate its 125th anniversary this year.

Faulkton was founded in 1882 and named after Territorial Governor Andrew J. Faulk. Located in Faulk County, it has served as the county seat since 1886. Faulkton has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Faulkton on their anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING WESSINGTON SPRINGS, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Wessington Springs, SD. The town of Wessington Springs will celebrate the 125th anniversary of its founding this year.

Located in Jerauld County, Wessington Springs was founded in 1882. It was named after a man named Wessington and also after the natural springs that flow through the town's hills. While Wessington's identity is not certain, there are a number of local legends about a trapper by that name who spent time in the area. Wessington Springs has been a successful and thriving community for the past 125 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Wessington Springs on this milestone anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING LEMMON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Lemmon, SD. The town of Lemmon will celebrate its 100th anniversary this year.

Founded in 1907, Lemmon is located in Perkins County near the North Dakota border. It was named after George Edward Lemmon, who managed the largest fenced pasture in the world and is a member of the National Cowboy Hall of Fame. The town of Lemmon is home to the world's largest petrified wood park, which was constructed by unemployed workers during the Great Depression. Lemmon has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Lemmon on their anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING WESSINGTON, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I recognize Wessington, SD. The town of Wessington will celebrate its 125th anniversary this year.

Wessington is located west of Huron in Beadle County. Since its beginning, the town has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Wessington will continue to thrive and succeed for the next 125 years.

I would like to offer my congratulations to the citizens of Wessington on this milestone anniversary and wish them continued prosperity in the years to come.●

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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:11 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 bills, in which it requests the concurrence of the Senate:

H.R. 251. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes.

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

H.R. 2367. An act to amend the Fair Labor Standards Act, with respect to civil penalties for child labor violations.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 164. Concurrent resolution authorizing the use of the Rotunda of the Capitol for a ceremony to award the Congressional Gold Medal to Dr. Norman E. Borlaug.

The message further announced that pursuant to 44 U.S.C. 2702, the Clerk of the House appoints Mr. Bernard Forrester of Houston, Texas, to the Advisory Committee on the Records of Congress.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 251. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2637. An act to amend the Fair Labor Standards Act, with respect to civil penalties for child labor violations; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2236. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to cooperative activities in areas of research, development, and test and evaluation; to the Committee on Armed Services.

EC–2237. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Carl A. Strock, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2238. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the projects from solicitation that were not funded solely due to lack of resources; to the Committee on Armed Services.

EC–2239. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the amount of acquisitions made by the Department from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006; to the Committee on Armed Services.

EC–2240. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's initiation of preliminary planning to determine if the facilities maintenance and logistics function performed at Marine Corps Base, Quantico, Virginia is a suitable candidate for a public-private competition; to the Committee on Armed Services.

EC–2241. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's efforts to determine if it should initiate a public-private competition of facilities sustainment and other services at installations in Norfolk, Portsmouth, Virginia Beach and Yorktown, VA; to the Committee on Armed Services.

EC–2242. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's decision not to conduct a public-private competition of nationwide personnel; to the Committee on Armed Services.

EC–2243. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Special Lending Limits for Residential Real Estate Loans, Small Business Loans, and Small Farm Loans'' (OCC–2007–0011) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2244. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 28613) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2245. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 27752) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2246. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Final Flood Elevation Determinations'' (72 FR 27741) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2247. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 28617) received on June 11, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2248. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XA40) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2249. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less than 60 Feet LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA25) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2250. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Amendment to Modify Recordkeeping and Reporting and Observer Requirements; Hagfish Collection of Information'' (RIN0648–AU80) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2251. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule to Prohibit New Entry to the Pacific Whiting Fishery in 2007'' (RIN0648–AV57) received on June 11, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2252. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program'' (MD–055–FOR) received on June 12, 2007; to the Committee on Energy and Natural Resources.

EC–2253. A communication from the Attorney, Office of General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Procedural Rules for DOE Nuclear Activities and Occupational Radiation Protection'' (RIN1901–AA95) received on June 12, 2007; to the Committee on Energy and Natural Resources.

EC–2254. A communication from the Associate Deputy Secretary of the Interior, transmitting, the report of a draft bill that would amend the Federal Land Transaction Facilitation Act; to the Committee on Energy and Natural Resources.

EC–2255. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Exemption from VOC Requirements for Sources Subject to the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing or Reinforced Plastics Composites Manufacturing'' (FRL No. 8319–8) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2256. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; NSR Reform Regulations'' (FRL No. 8327–1) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2257. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Request for Rescission'' (FRL No. 8325–8) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2258. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2007'' (FRL No. 8325–5) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2259. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Nevada State Implementation Plan, Washoe County District Health Department'' (FRL No. 8327–3) received on June 12, 2007; to the Committee on Environment and Public Works.

EC–2260. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's latest quarterly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–2261. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Safe Harbor for Valuation Under Section 475'' ((RIN1545–BB90) (TD 9328)) received on June 12, 2007; to the Committee on Finance.

EC–2262. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services and defense articles to support the sale of four C–17A aircraft to Canada; to the Committee on Foreign Relations.

EC–2263. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a Determination executed by the Deputy Secretary relating to actions of Iraq and Libya; to the Committee on Foreign Relations.

EC–2264. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Chief Financial Officer, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2265. A communication from the White House Liaison, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Postsecondary Education, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2266. A communication from the White House Liaison, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary for Postsecondary Education, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2267. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Surgeon General, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2268. A communication from the Assistant Secretary for Administration and Management, Office of the Deputy Secretary, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary of Labor, received on June 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2269. A communication from the Director, Office of Personnel Management, transmitting, the report of a legislative proposal entitled the ''Senior Professional Performance Act of 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–2270. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2271. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation'' (FAC 2005–17) received on June 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2272. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Virginia Advisory Committee; to the Committee on the Judiciary.

EC–2273. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Michigan Advisory Committee; to the Committee on the Judiciary.

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–116. A joint resolution adopted by the Legislature of the State of Montana expressing its opposition to the Rockies Prosperity

Act; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 31

Whereas, bills with the same content have been introduced in the Congress for the past three sessions, named successively the Northern Rockies Ecosystem Protection Act of 2001, the Northern Rockies Ecosystem Protection Act of 2003, and the Rockies Prosperity Act of 2005; and

Whereas, these acts would designate more than 15.4 million acres as new wilderness, more than 1.4 million acres as park preserves, more than 1 million acres as recovery areas, and an additional 8.51 million acres as biological connecting corridors; and

Whereas, the proposed wilderness, preserves, and recovery areas would impose severe restrictions on access and human activities in violation of existing laws such as the Multiple-Use Sustained-Yield Act; and

Whereas, severe restrictions on the management of the private property within the corridors would lead to prohibition of even-aged silvicultural management, prohibition of timber harvesting, prohibition of mineral, oil, and gas exploration, prohibition of road construction or reconstruction with the goal of achieving zero miles of road in the corridors over a short time period, causing loss of value to private property even to the point of forcing landowners to abandon their properties, hopes and dreams and causing extreme hardship and anguish; and

Whereas, additional taking of private property would occur with the reduction of water rights on National Forest land and the reduction of grazing rights on National Forest land, causing hardship and loss of business to ranchers, farmers, and residents in the region; and

Whereas, the requirements for implementation of the management plans set forth in the acts are extremely unbalanced in their approach to conservation, focus entirely on plant, animal, and ecological effects and leave out the social, economic, and cultural impacts on people who also are part of the natural environment, and are in violation of existing law, such as the National Environmental Policy Act; and

Whereas, the Montana Legislature does not believe these acts, drafted by extreme special interest groups funded by international foundations and other sources that do not represent the majority of Montana residents, should be allowed to subject land in Montana to this sort of unbalanced, unnecessary control; and

Whereas, the placing of environmental or other restrictions upon the use of private lands has been held by a number of recent United States Supreme Court decisions to constitute a taking of the land for public purposes; and

Whereas, these acts do not include proposals to purchase the private lands; and

Whereas, the restrictions contemplated constitute an unlawful taking of that land in violation of Article I, section 8, clause 17, of the Constitution of the United States, which provides that before any state land can be purchased, the consent of the state Legislature and not the state Executive Branch must be obtained; and

Whereas, Article IV, section 3, clause 2, of the Constitution of the United States provides that ''nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state''; and

Whereas, Article IV, section 4, of the Constitution of the United States provides that ''the United States shall guarantee to every state in this union a republican form of government''; and

Whereas, Amendment V of the Constitution of the United States provides that no person shall ''be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation''. Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana: That the Montana Legislature is opposed to the passage of these acts. Be it further

Resolved, That the Montana Legislature urge the members of Congress, especially the Montana delegation, to vigorously oppose these acts and any revisions of these acts and to vote against these acts at every opportunity, Be it further

Resolved, That the Secretary of State send copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States, and Montana's Congressional Delegation.

POM–117. A joint resolution adopted by the Senate of the State of Nevada urging Congress to support a proposed off-highway vehicle park in Clark County; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 18

Whereas, the Nellis Dunes area comprises approximately 10,181 acres located in unincorporated Clark County, Nevada, on federal public lands managed by the Bureau of Land Management, 8,921 acres of which are usable recreation space, offering a variety of terrain and trails for off-highway vehicle enthusiasts; and

Whereas, most areas of Clark County have been closed to motorized recreation; and

Whereas, the Nellis Dunes is recognized in the Southern Nevada Regional Planning Coalition's open space plan to protect the natural backdrops and maintain a perimeter trail corridor around the Las Vegas Valley; and

Whereas, the Bureau of Land Management's Las Vegas Resource Management Plan designates the Nellis Dunes as an ''open area,'' allowing unrestricted motorized recreation; and

Whereas, an opportunity exists for Clark County to develop and manage a motorized recreation system, consistent with the mission of Nellis Air Force Base, with the potential to prevent safety concerns, improve air quality, protect rare plants and sensitive soils, prevent refuse dumping and capitalize on potential economic development possibilities; and

Whereas, a feasibility study, funded by the Board of County Commissioners for Clark County, evaluated supply and demand considerations, capital and operations and maintenance costs and options for funding, and likely operation models for a motorized recreation park; and

Whereas, development of a motorized recreation park managed by Clark County will benefit southern Nevadans through the promotion of safe off-road activities and implementation of environmental protections to air, sensitive soils and native plants: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge Congress to promulgate legislation for the conveyance of the Nellis Dunes area to Clark County for the purpose of off-road recreation and environmental protection; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Board of County Commissioners of Clark County and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–118. A joint resolution adopted by the Senate of the State of Nevada encouraging the use of biomass in the production of energy in Nevada and encouraging certain activities relating to that production; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 11

Whereas, ''Biomass'' is the term used to describe organic matter that is available on a renewable basis, including, but not limited to, agricultural crops and agricultural wastes, wood and wood residues, animal wastes, municipal wastes and various aquatic plants; and

Whereas, unlike petroleum, biomass is a resource that is renewable and is generally readily available at the location where it is used to produce renewable energy, thereby reducing the costs of distributing the biomass; and

Whereas, although the production and use of renewable energy is encouraged in Nevada, and biomass is included in the incentives provided for the production and use of renewable energy, the availability and benefits of using biomass itself should be accentuated and brought to the attention of the members of the general public: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the Nevada Legislature hereby urges Congress to make biomass eligible for production tax credits at the same level and in the same manner as wind and geothermal energy: and be it further

Resolved, That this Legislature encourages the use of biomass in the production of energy in Nevada and therefore urges all Nevadans to consider investing money in the production of energy from biomass and to participate in the establishment throughout the State of Nevada of projects that demonstrate the effectiveness and desirability of using locally obtained biomass in the production of energy and partnerships between private enterprises and federal, state and local governmental entities to create those projects: and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Governor of the State of Nevada, the Director of the State Department of Conservation and Natural Resources and each member of the Nevada Congressional Delegation: and be it further

Resolved, That this resolution becomes effective upon passage.

POM–119. A resolution adopted by the Senate of the State of Florida urging Congress to, among other things, fully authorize the conditionally approved projects in section 601 of the Water Resources Development Act of 2000; to the Committee on Environment and Public Works.

SENATE MEMORIAL 2770

Whereas, the Everglades is one of the most unique and fragile ecosystems in the world, and

Whereas, the Legislature and the Congress of the United States have long recognized that the Everglades is imperiled and must be restored, and

Whereas, the Comprehensive Everglades Restoration Plan was approved by Congress

as a framework for restoration of the Everglades in the Water Resources Development Act of 2000, and

Whereas, the Comprehensive Everglades Restoration Plan will restore more than 2.4 million acres of the south Florida ecosystem while meeting the other water-related needs of the region, and

Whereas, the Legislature and the governing board of the South Florida Water Management District have appropriated more than $2 billion to implement the Comprehensive Everglades Restoration Plan since the passage of the Water Resources Development Act of 2000, and

Whereas, the Legislature and the governing board of the South Florida Water Management District have provided more than 90 percent of the funding to implement the plan, and the South Florida Water Management District has begun construction on the initial conditionally authorized projects, and

Whereas, the Water Resources Development Act of 2000 approved the restoration plan as a full and equal partnership between the State Government and the Federal Government, and

Whereas, the Indian River Lagoon and Picayune Strand projects and 10 conditionally authorized projects require authorization from Congress: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to fully authorize the conditionally approved projects in section 601 of the Water Resources Development Act of 2000 and the Indian River Lagoon and Picayune Strand projects in the Comprehensive Everglades Restoration Plan and to provide funding for the federal share of the full and equal partnership; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–120. A resolution adopted by the Senate of the State of Florida urging Congress to authorize improvements to bring the Herbert Hoover Dike into compliance with current levee protection safety standards and to authorize funding to expedite the improvements; to the Committee on Environment and Public Works.

SENATE MEMORIAL 1680

Whereas, Lake Okeechobee was impacted by four hurricanes during the 2004 and 2005 hurricane seasons, and

Whereas, subsequently, at the request of local community leaders, the South Florida Water Management District Governing Board implemented an independent report on the Herbert Hoover Dike surrounding Lake Okeechobee, and

Whereas, the report found that the dike does not meet current levee protection safety standards, which constitutes a failure of the structure, and

Whereas, the failure of the structure poses a clear and imminent threat of catastrophic proportion to the communities surrounding Lake Okeechobee, and

Whereas, the dike was not built to current levee engineering standards and is therefore not authorized by Congress to be brought into compliance to such standards: Now, therefore, be it

Resolved, by the Legislature of the State of Florida, That the Congress of the United States is requested to authorize improvements to bring the Herbert Hoover Dike into compliance with current levee protection safety standards by 2014 and to authorize funding to expedite the improvements; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–121. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to reevaluate the ''fast track'' approval of international trade agreements; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 10

Whereas, as international trade has evolved in recent years under the ''fast track'' authority by which Congress reviews international trade agreements involving the United States, the authority for which will expire on June 30, 2007, significant questions have developed with respect to the continuing ability of states to retain their character, environmental controls and quality of life; and

Whereas, under ''fast track'' rules, the review of complex trade agreements by Congress is limited to a vote to approve or reject the agreements, after limited time for consideration, without the possibility of amendments; and

Whereas, trade agreements today have an impact which extends significantly beyond the bounds of traditional trade matters such as tariffs and quotas, and instead grant foreign investors and service providers certain rights and privileges regarding acquisition of land and facilities and regarding operations within a state's territory, subject state laws to challenge as ''non-tariff barriers to trade'' in the binding dispute resolution bodies that accompany the pacts and place limits on the future policy options of state legislatures; and

Whereas, despite the demonstrated variety of significant impacts that trade and investment agreements have on state governance, taxation authority, environmental protection, land use regulation and many other areas of state interest, states and local governments have not received assurances that their concerns will be adequately addressed in any ''fast track'' renewal process; and

Whereas, Federal legislation should clarify the negotiating agenda of the United States in a manner that establishes a stronger role for states and should include an explicit mechanism for the prior informed consent of affected state legislatures: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Nevada Legislature hereby urges Congress to reevaluate the ''fast track'' approval of international trade agreements, and to consider replacing that authority with a more democratic, inclusive and deliberative mechanism which takes into consideration the concerns of state legislatures and authorizes their participation in the international trade agreement process; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–122. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to enact the Resident Physician Storage Reduction Act of 2007; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 17

Whereas, the Resident Physician Shortage Reduction Act of 2007 was recently introduced in Congress as a tool to help states whose physician to population ratios are below that of the national median; and

Whereas, the intent of this legislation is to increase the number of residency positions for which Medicare payments will be made to teaching hospitals in states with a shortage of resident physicians; and

Whereas, increasing the number of resident physicians in states is an important step towards ensuring an adequate supply of physicians in the health care system; and

Whereas, as a result of this legislation, teaching hospitals in approximately 24 states would be eligible for an increase in their resident cap, including Nevada which currently has 199 physicians in training and is estimated to be eligible for an additional 93 positions; and

Whereas, as one of the fastest growing states in the nation, and with a ranking of 43rd in the nation in physicians per 100,000 residents, it is critical to the residents of Nevada that the shortage of physicians be remedied; and

Whereas, it is the belief of the Nevada Legislature that the Resident Physician Shortage Reduction Act is an important first step that will help meet Nevada's and the nation's need for future physician services: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the members of the Nevada Legislature hereby express their support for passage of the Resident Physician Shortage Reduction Act of 2007: and be it further

Resolved, That the Nevada Legislature will continue to do all things possible to make Nevada a desirable location for the physicians who choose to practice here; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Secretary of Health and Human Services and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–123. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to support a free trade agreement between the Republic of China on Taiwan and the United States; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 16

Whereas, it is our belief that it is this country's responsibility to promote the values of freedom and democracy, a commitment to open markets and the free exchange of goods and ideas both at home and abroad, and the Republic of China on Taiwan shares these values and has struggled throughout the past 50 years to create what is an open and thriving democracy; and

Whereas, despite the fact that Taiwan is a member of the World Trade Organization, it has no formal trade agreement with the United States, yet Taiwan has emerged as the United States' eighth largest trading partner, the United States is Taiwan's largest trading partner and American businesses have benefited greatly from this dynamic trade relationship; and

Whereas, Taiwan has emerged over the past two decades as one of the United States' most important allies in Asia and throughout the world; and

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom

of dissent, and it is in the interest of the United States to encourage the development of both these institutions; and

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market opening and the destruction of trade barriers as a means of raising living standards across the board; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing all of these goals: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge President George W. Bush and Congress to support a free trade agreement between the United States and Taiwan: and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, the Director General of the Taipei Economic and Cultural Office in San Francisco, the Executive Director of the Las Vegas Taiwanese Chamber of Commerce and the members of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–124. A resolution adopted by the Senate of the State of Florida urging Congress to timely authorize the State Children's Health Insurance Program to assure federal funding for the Florida Kidcare program; to the Committee on Finance.

SENATE MEMORIAL 1506

Whereas, the Legislature of the State of Florida regards the health of children to be of paramount importance to families in the state, and

Whereas, the Legislature of the State of Florida regards poor child health as a threat to the educational achievement and social and psychological well-being of the children of the State of Florid, and

Whereas, the Legislature of the State of Florida considers protecting the health of children to be essential to the well-being of Florida's youngest citizens and the quality of life in the state, and

Whereas, the Legislature of the State of Florida considers the Florida Kidcare program, which was created in 1998 and currently has 1,388,520 children enrolled in the program, to be an integral part of the arrangements for health benefits for the children of the State of Florida, and

Whereas, the Legislature of the State of Florida recognizes the value of the Florida Kidcare program in preserving child wellness, preventing and treating childhood disease, improving health outcomes, and reducing overall health costs, and

Whereas, the Legislature of the State of Florida considers the federal funding available for the Florida Kidcare program to be indispensable to providing health benefits for children of modest means, Now, therefore, be it

Resolved, by the Legislature of the State of Florida: That the Legislature urges the members of the Florida delegation to the United States Congress to ensure that the Congress reauthorizes the State Children's Health Insurance Program (SCHIP) to continue to provide federal funding for the Florida Kidcare program: Be it further

Resolved, That the Legislature urges the Governor to work with the Florida delegation to ensure that SCHIP is reauthorized in a timely manner. Be it further

Resolved, That the Legislature urges the Governor to provide the assistance necessary to identify and enroll children who qualify for Medicaid or the Florida Kidcare program. Be it further

Resolved, That the Legislature proclaims that all components of state government should work together with educators, health care providers, social workers, and parents to ensure that all available public and private assistance for providing health benefits to uninsured children in this state be used to the maximum extent possible. Be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–125. A joint resolution adopted by the Legislature of the State of Nevada urging Congress to continue to support the participation of the Republic of China on Taiwan in the World Health Organization; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 15

Whereas, in the first chapter of its charter, the World Health Organization set forth the objective of attaining the highest possible level of health for all people, and participation in international health programs is crucial as the potential for the spread of infectious diseases increases proportionately with increases in world trade, travel and population; and

Whereas, Taiwan's population of over 23 million is larger than three-fourths of the member countries who currently participate in the World Health Organization; and

Whereas, the achievements of Taiwan in the field of health are substantial and include one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox and the plague, and the distinction of being the first country in the world to provide children with free hepatitis B vaccinations; and

Whereas, before its loss of membership in the World Health Organization in 1972, Taiwan sent specialists to serve in other member countries on countless health projects and its health experts held key positions in the organization, all to the benefit of the entire Pacific region; and .

Whereas, presently, this remarkable country is not allowed to participate in any forums or workshops organized by the World Health Organization concerning the latest technologies in the diagnosis, monitoring and control of disease; and

Whereas, in recent years, the government and the expert scientists and doctors of Taiwan have expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization, but these offers have been refused; and

Whereas, admittance of Taiwan to the World Health Organization would bring tremendous benefits to all persons in this world: Now, therefore, be it

Resolved, by the Senate and Assembly of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge President George W. Bush and the Congress of the United States to continue to support all efforts made by the Republic of China on Taiwan to gain meaningful participation in the World Health Organization; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, the Secretary of Health and Human Services, the Director General of the Taipei Economic and Cultural Office in San Francisco, the Executive Director of the Las Vegas Taiwanese Chamber of Commerce and the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–126. A resolution adopted by the Senate of the State of Florida urging Congress to engage the international community to take action in the effort to bring a just and lasting peace to the people of Darfur; to the Committee on Foreign Relations.

SENATE MEMORIAL 1698

Whereas, United Nations officials have described the ongoing crisis in Darfur as ''the world's worst humanitarian crisis,'' and

Whereas, hundreds of thousands of people have died and more than 2.5 million have been displaced in Darfur since 2003, and

Whereas, the Government of Sudan has failed in its responsibility to protect the many peoples of Darfur, and

Whereas, the United States Congress declared on July 22, 2004, that the atrocities in Darfur constituted genocide, and

Whereas, on September 9, 2004, Secretary of State Colin Powell and President George W. Bush described the crisis in Darfur as genocide, and

Whereas, on June 30, 2005, President Bush confirmed that ''the violence in the Darfur region is clearly genocide and the human cost is beyond calculation,'' and

Whereas, on May 8, 2006, President Bush stated, ''we will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured,'' and

Whereas, on May 5, 2006, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement (DPA), and

Whereas, violence in Darfur escalated in the months following the signing of the DPA, with increased attacks against civilians and humanitarian workers, and

Whereas, violence has spread to the neighboring states of Chad and the Central African Republic, threatening regional peace and security, and

Whereas, in July 2006, more humanitarian aid workers were killed than in the previous 3 years combined, and

Whereas, violence has forced some humanitarian organizations to suspend operations, leaving 40 percent of the population of Darfur inaccessible to aid workers, and

Whereas, on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), asserting that the existing United Nations Mission in Sudan (UNMIS) ''shall take over from the African Union Mission in Sudan (AMIS) responsibility for supporting the implementation of the Darfur Peace Agreement (DPA) upon the expiration of AMIS's mandate but in any event no later than 31 December 2006,'' and that UNMIS ''shall be strengthened by up to 17,300 military personnel . . . up to 3,300 civilian police personnel and up to 16 Formed Police Units,'' which ''shall begin to be deployed no later than 1 October 2006,'' and

Whereas, on September 19, 2006, President Bush announced the appointment of Andrew Nastios as Presidential Special Envoy to lead United States efforts to bring peace to the Darfur region in Sudan, and

Whereas, on November 16, 2006, high-level consultations led by Kofi Annan, Secretary General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union Commission, and including representatives of the Arab League, the European

Union, the Government of Sudan, and other national governments, produced the ''Addis Ababa Agreement,'' and

Whereas, the Agreement stated that the DPA must be made more inclusive, and ''called upon all parties—Government and DPA nonsignatories—to immediately commit to a cessation of hostilities in Darfur in order to give the peace process the best chances for success,'' and

Whereas, the Agreement included a plan to establish a United Nations–African Union peacekeeping operation that would consist of no fewer than 17,000 military troops and 3,000 civilian police, and would have a primarily African character, and

Whereas, the Agreement stated that the peacekeeping operation must be logistically and financially sustainable, with support coming from the United Nations, and

Whereas, it is imperative that a peacekeeping force in Darfur have sufficient strength and the mandate to provide adequate security to the people of Darfur, and

Whereas, on January 10, 2007, New Mexico Governor Bill Richardson met with Sudanese President Omar Hassan Al-Bashir; their meeting resulted in the issuance of a Joint Statement calling for ''a 60-day cessation of hostilities by all parties within the framework of the Darfur Peace Agreement,'' and

Whereas, the Joint Statement called for the initiation of African Union/United Nations diplomatic efforts within the framework of the DPA, and for two projected meetings—a Government of Sudan-sponsored field commanders' conference to be attended by representatives of the African Union and the United Nations, and a subsequent African Union/United Nations sponsored peace summit, again within the framework of the DPA, to be held no later than March 15, 2007, and

Whereas, the Joint Statement stated the need to disarm all armed groups, including the Janjaweed, pursuant to the provision of the DPA: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Florida Legislature:

(1) Supports, given the rapidly deteriorating situation on the ground in Darfur, the principles of the Addis Ababa Agreement of November 17, 2006, in order to increase security and stability for the people of Darfur.

(2) Declares that the deployment of an African Union–United Nations peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement, is the minimum acceptable effort on the part of the international community to protect the people of Darfur.

(3) Supports the strengthening of the African Union peacekeeping mission in Sudan so that it may improve its performance with regard to civilian protection as the African Union peacekeeping mission begins to transfer responsibility for protecting the people of Darfur to the United Nations–African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement.

(4) Calls upon the Government of Sudan to immediately:

(a) Allow the implementation of the united Nations light and heavy support packages as provided for in the Addis Ababa Agreement; and

(b) Work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur in keeping with the United Nations Security Council Resolution 1706 passed on August 31, 2006.

(5) Calls upon all parties to the conflict to immediately:

(a) Adhere to the Joint Statement issued by Governor Bill Richardson and President Omar Hassan Al-Bashir on January 10, 2007;

(b) Observe the cease-fire contained therein; and

(c) Respect the impartiality and neutrality of humanitarian agencies so that relief workers can have unfettered access to their beneficiary populations and deliver desperately needed assistance.

(6) Urges the President to:

(a) Continue work with other members of the international community, including the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League, Sudan's trading partners, and the Government of Sudan to facilitate the implementation of the Addis Ababa Agreement and the subsequent Richardson-Bashir Joint Statement;

(b) Ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate by providing adequate funding and by working with our international partners to provide technical assistance, logistical support and intelligence-gathering capabilities, and military assets;

(c) Vigorously pursue, in cooperation with other members of the international community, strong punitive action against those persons responsible for crimes against humanity as previously authorized in the Darfur Peace and Accountability Act of 2006 (Public Law 109–344), United Nations Security Council Resolution 1591 (2005), and the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497, 118 Stat. 4012); and

(d) Make all necessary efforts to address the widespread incidents of gender-based violence in Darfur, including working with the Government of Sudan to help institute a zero-tolerance policy for gender-based violence as agreed to in the Richardson-Bashir Joint Statement.

(7) Calls upon the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Florida delegation to the United States Congress to:

(a) Provide all necessary funding and support for United Nations and African Union peacekeeping operations in Darfur;

(b) Provide all necessary funding and support for humanitarian aid in Darfur and affected areas of Chad and the Central African Republic;

(c) Conduct sufficient oversight of actions by the United States administration to ensure that no opportunities for furthering the peace are missed; and

(d) Continue to monitor the conflict and political processes and, if necessary, examine imposing additional punitive sanctions against the Government of Sudan, officials within the Government of Sudan, rebel leaders, and any other individual or group obstructing the ongoing peace process or in violation of agreed-upon cease-fires and the Darfur Peace Agreement; and be it further

Resolved, That the Florida Legislature urges Congress to do all in its power to further the goals expressed in this memorial in order to bring lasting peace to the people of Darfur: and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–127. A joint resolution adopted by the Legislature of the State of Montana repealing, rescinding, canceling, voiding, and superseding any and all extant application previously made by the Legislature to Congress to call a convention pursuant to the terms of Article V of the U.S. Constitution for proposing one or more amendments to it; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 38

Whereas, the Legislature of the State of Montana, acting with the best of intentions, has, at various times and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V of the United States Constitution; and

Whereas, former Chief Justice of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for a convention or conventions to the contrary notwithstanding. thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times. without the need to resort to a constitutional convention, and has been interpreted for more than 200 years and has been found to be a sound document that protects the lives and liberties of the citizens; and

Whereas, there is no need for, and rather there is great danger in, a new Constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another 2 centuries of litigation over its meaning and interpretation. Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the Legislature does hereby repeal, rescind, cancel, nullify, and supersede to the same effect as if they had never been passed any and all extant applications by the Legislature of the State of Montana to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V of the Constitution, regardless of when or by which session or sessions of the Montana Legislature the applications were made and regardless of whether the applications were for a limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects; and be it further

Resolved, That the following resolutions and memorials are specifically repealed, rescinded, canceled, nullified, and superseded: Joint Concurrent Resolution No. 2, 1901; House Joint Resolution No. 1, 1905; Senate Joint Resolution No. 1, 1907; House Joint Memorial No. 7, 1911; House Joint Resolution No. 13, 1963; and Senate Joint Resolution No. 5, 1965; and be it further

Resolved, That the Legislature of the State of Montana urges the Legislatures of each and every state that has applied to Congress to call a convention for either a general or a limited constitutional convention to repeal and rescind the. applications; and be it further

Resolved, That the Secretary of State is directed to send copies of this resolution to the Secretary of State of each state in the Union, to the presiding officers of both houses of the Legislatures of each state in the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Montana Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1610. An original bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes (Rept. No. 110–80).

S. 1611. An original bill to make technical corrections to SAFETEA-LU and other related laws relating to transit (Rept. No. 110–81).

S. 1612. An original bill to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes (Rept. No. 110–82).

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 Mr. MENENDEZ (for himself, Mr. ENSIGN, and Mr. LAUTENBERG):

S. 1603. A bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself and Mr. SMITH):

S. 1604. A bill to increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, Mr. SALAZAR, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Mr. NELSON of Nebraska, Ms. SNOWE, Mrs. MURRAY, Mr. THUNE, Mr. DORGAN, Ms. COLLINS, Mr. JOHNSON, Mr. ENZI, and Mrs. LINCOLN):

S. 1605. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, and Ms. STABENOW):

S. 1606. A bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes; to the Committee on Armed Services.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. SCHUMER, and Mr. GRAHAM):

S. 1607. A bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. REID):

S. 1608. A bill to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1609. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 1610. An original bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD:

S. 1611. An original bill to make technical corrections to SAFETEA-LU and other related laws relating to transit; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. DODD:

S. 1612. An original bill to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1613. A bill to require the Director of National Intelligence to submit to Congress an unclassified report on energy security and for other purposes; to the Select Committee on Intelligence.

By Mr. HARKIN (for himself, Mr. KENNEDY, and Mrs. MURRAY):

S. 1614. A bill to amend the Fair Labor Standards Act of 1938 to strengthen penalties for unlawful child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. BURR):

S. 1615. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. LUGAR, and Mr. OBAMA):

S. 1616. A bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 233. A resolution making Minority party appointments for the Select Committee on Ethics for the 110th Congress; considered and agreed to.

By Mr. INHOFE (for himself and Mr. DODD):

S. Res. 234. A resolution designating June 15, 2007, as ''National Huntington's Disease Awareness Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 65

At the request of Mr. INHOFE, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 116

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 116, a bill to authorize resources to provide students with opportunities for summer learning through summer learning grants.

S. 117

At the request of Mr. OBAMA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 382

At the request of Ms. COLLINS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 430

At the request of Mr. LEAHY, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Mississippi (Mr. LOTT) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 790

At the request of Mr. LUGAR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 799

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 807

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 887

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 887, a bill to restore import and entry agricultural inspection functions to the Department of Agriculture.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 970

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1066

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1066, a bill to require the Secretary of Education to revise regulations regarding student loan repayment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs.

S. 1099

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1099, a bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

S. 1125

At the request of Mr. LOTT, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1205

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1205, a bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1260

At the request of Mr. CARPER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1260, a bill to protect information relating to consumers, to require notice of security breaches, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1335, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes.

S. 1337

At the request of Mr. KERRY, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1382

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1416

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1416, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums.

S. 1426

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1426, a bill to amend the Agricultural Trade Act of 1978 to reauthorize the market access program, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1469

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1469, a bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1500

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1500, a bill to support democracy and human rights in Zimbabwe, and for other purposes.

S. 1514

At the request of Mr. DODD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1551

At the request of Mr. BROWN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1551, a bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

S. 1555

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1555, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes.

S. 1577

At the request of Mr. KOHL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1593

At the request of Mr. BAUCUS, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Mississippi (Mr. LOTT), the Senator from Idaho (Mr. CRAPO) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1597

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1597, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. RES. 215

At the request of Mr. ALLARD, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

AMENDMENT NO. 1503

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1503 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1505

At the request of Mr. INHOFE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 1505 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1508

At the request of Mr. BAYH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1508 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1510

At the request of Mr. LOTT, his name was added as a cosponsor of amendment No. 1510 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1514

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 1514 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1518

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 1518 intended to be proposed to H.R. 6, a bill

to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1523

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1523 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1524

At the request of Mr. SALAZAR, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 1524 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. CLINTON (for herself and Mr. SMITH):

S. 1604. A bill to Increase the number of well-educated nurses, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased to introduce the Nursing Education and Quality of Health Care Act of 2007. This legislation is essential for addressing our current and future nursing shortages.

I have been hearing from nurses and health care providers from every part of New York that we are facing an impending nursing crisis and their stories echo what nurses across the Nation tell me.

By 2014, the Bureau of Labor Statistics forecasts that there will be over 1 million job openings for registered nurses. In New York alone, we will need to produce over 80,000 new RNs to meet these projections. One of our greatest needs will be in rural areas where the pool of nurses is small and the loss of just one nurse from the workforce can have a profound impact on the health of the community.

I can proudly say we have made good progress in New York on one front. In 2006, 30 percent more registered nurses graduated than in 2004. I believe that we can credit this increase to the Nurse Reinvestment Act that was signed into law in 2002. Through this bipartisan legislation, we were able to make great strides in strengthening our Nation's nursing workforce.

The Nurse Reinvestment Act included a number of critical initiatives including one from the bipartisan bill I introduced with Senator SMITH to retain nurses who are already in the profession by encouraging hospitals to become magnet hospitals. Hospitals that have achieved magnet status report lower mortality rates, higher patient satisfaction, greater cost-efficiency, and patients experiencing shorter stays in hospitals and intensive care units underlining the importance of nursing in our health care system.

I am here today because nurses are still facing an urgent situation that requires our action. Even though we are making progress in graduating more nurses, in 2006 over 32,323 qualified applicants were turned away from nursing schools in the United States. In New York, it is estimated that nearly 3,000 nursing school applicants were denied entry. Put simply, we don't have the capacity in our nursing schools to train qualified potential students.

Not only are we facing a nursing shortage, we are setting ourselves up for a potential nursing crisis if we don't address the impending faculty shortage that will occur as baby boomer nurse faculty reach retirement age, leaving fewer and fewer faculty to teach the next generation of nurses.

We need to pave the way and recruit more people into the nursing profession. This shortage impacts not only nurses, but also patients since we know that the quality of care they receive is directly related to nurses.

The Nursing Education and Quality of Health Care Act supports recruitment, education, and training to help alleviate the nursing shortage in New York and in the rest of the Nation. This act will establish distance learning opportunities for peoplein rural communities who wish to pursue the nursing profession without leaving their home town. This legislation will also provide tuition assistance and loan forgiveness for those who choose to practice in rural communities.

To increase the number of nurses in the workforce we need to expand the nursing faculty so that thousands of qualified students are not turned away from the profession. This legislation will fund programs that enhance recruitment of faculty and allow for the expansion of nursing education programs by funding distance learning innovation, and by expanding the recruitment and training of community-based faculty for classroom and clinical education.

We also need nurses to participate and collaborate in patient-safety initiatives for the well-being of patients. The Nursing Education and Quality of Health Care Act will take the lead by supporting projects that integrate patient safety practices into nursing education programs and enhance the leadership of nurses in improving patients' outcomes within their health care settings.

We will all rely on nurses sometime in our life, and we need to make sure that this essential member of the health care team will always be present at our bedsides.

I am pleased to introduce legislation that supports nurses and that is supported by nursing organizations like the American Association of Colleges of Nursing, the American Nurses Association, the American Organization of Nurse Executives, the Brooklyn Nursing Partnership, and the New York State Area Health Education Center System. Nurses are critical to the successful operation of our hospitals and the quality of care patients receive and we must do everything we can to address the nursing shortage and make nursing an attractive and rewarding profession.

Mr. SMITH. Mr. President, I am pleased to join my colleague, Senator CLINTON, in introducing this important piece of legislation to help alleviate the nursing shortage in our Nation. This legislation will work to ensure that our nursing schools have increased capacity and the tools necessary to properly train nurses to enter into the workforce.

As many of my colleagues know, the shortage of nurses is a current and ever increasing problem in our Nation. As baby boomers age and demands for health care continue to increase, we will further see a shortage of nurses, which is not sustainable for the health needs of our Nation. While the number of graduates from nursing programs is increasing, we are still facing ongoing critical shortages and we must do better.

Incredibly, while we have an ever-increasing demand for nurses, we are also seeing our schools of nursing turn away scores of students each year who are viable candidates due to lack of capacity and lack of teaching staff. In fact, in my home State of Oregon, for each student position available in nursing programs, there are six applicants. This forces many young men and women who want to enter this field of work to give up on pursuing a nursing career. This is one of many reasons that we currently have 118,000 vacant positions for nurses nationwide, this translates to a national vacancy rate of 8.5 percent.

Our entire Nation is on an aging trajectory in all areas, and the nursing workforce is no exception. In Oregon, nearly half of our nurses are age 50 or older, and the proportion of nurses over the age of 50 has doubled in the last 20 years. We also know that according to a survey in 2006, 55 percent of surveyed

nurses reported their intention to retire between 2011 and 2020. Further, according to the Health Resources and Services Administration, HRSA, this will leave America with a deficit of more than 1 million nurses by the year 2020.

The bill that I am introducing today with Senator CLINTON will provide grants to enhance rural nurse training programs by improving the technology infrastructure. It also will provide grants for nurse faculty development so that schools of nursing can increase the number of nursing faculty in their programs, thereby increasing the number of students they can accept into their programs. This bill also will encourage pipeline programs to help increase the number of rural residents who pursue nursing in their communities. Lastly, it will provide grants for partnerships that advance the education, delivery and measurement of quality and patient safety in nursing practices. These important provisions will help in the recruitment and training of nurses as well as work towards enhanced quality and safety of nursing across the Nation.

I hope my colleagues will join me in support of this bill, and I look forward to working with Chairman KENNEDY and other members of the Health, Education, Labor, and Pensions Committee to secure its passage.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, Mr. SALAZAR, Mr. DOMENICI, Mr. BINGAMAN, Mr. SMITH, Mr. NELSON of Nebraska, Ms. SNOWE, Mrs. MURRAY, Mr. THUNE, Mr. DORGAN, Ms. COLLINS, Mr. JOHNSON, Mr. ENZI, and Mrs. LINCOLN):

S. 1605. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, it is with mixed emotions that I rise today to introduce the Rural Hospital and Provider Equity Act of 2007, or R-HoPE. This proposal is the result of months of work with my friend and colleague, Senator Craig Thomas, who just passed away. In fact, Senator Thomas and I were getting ready to introduce this bill the week we lost him.

This particular legislation is the product of work that Senator Thomas and I have done over many years as cochair of the rural health caucus. So it is a poignant moment for me to come to the floor to introduce this bill. I am asking my colleagues that we name this bill the Craig Thomas Rural Hospital and Provider Equity Act of 2007, as we pay tribute to the service of our colleague, Senator Thomas.

I can think of no better champion of rural health than Senator Craig Thomas, and there is not a more appropriate way to honor his Senate career than by enacting this legislation that will carry his name.

As Senator Thomas and I continually argued in this Chamber, Medicare shortchanges many rural hospitals and providers. Before the Medicare Modernization Act, rural providers received one-half the payments that urban areas received—one-half to provide exactly the same treatment for exactly the same illness. That was unfair.

Senator Thomas and I teamed up at the time to make changes that were in the Medicare prescription drug bill that began to level the playing field, but those provisions are about to run out.

I would be the first to admit that health care can be more expensive in urban areas than rural areas, but it is not twice as much. When I ask the doctors and hospital administrators of my State if they get a rural discount when they buy technology for hospitals, they laugh, they chuckle, they say, no, they don't get any rural discount. We know now it actually costs more to recruit doctors to rural parts of the country than it does more urban settings, and we know while there is some cost differential, it is not a 100-percent cost differential.

The Medicare bill, the prescription drug bill recognized this disparity in reimbursement and took steps to close the gap. Even with the additional funding, many rural hospitals and providers continue to experience negative margins.

If we are to maintain access to health care in rural areas, we cannot allow providers to lose 3 percent on nearly every patient they see. But that is what is occurring in rural America today.

Congress needs to take steps to fairly reimburse rural providers for the care they provide. The Craig Thomas R-HoPE bill will build on the progress made in the medicare Prescription Drug Act and add new provisions that would protect access to rural health care.

First, the bill will fulfill the promise made to those living and traveling in rural areas that they don't have to travel far for hospital care. The bill would also provide more reflective reimbursement for the cost of labor in rural areas. I should say reimbursement that more fairly reflects the costs in rural areas since they are often competing with more urban areas in the global health care marketplace.

In addition, our proposal would provide the resources currently lacking in rural hospitals to repair crumbling buildings. It also includes two changes to the Critical Access Hospital Program and will put these facilities on a sounder financial footing.

Second, R-HoPE will promise that rural Americans can see a doctor when they are sick. As is the case with most rural States, much of North Dakota is designated as a health professional shortage area. Recruiting doctors is extremely difficult. Our bill would extend the provision in current law that provides incentive payments for doctors who practice in rural areas.

Third, our bill would guarantee that when there is an emergency, there is an ambulance there to respond. Many rural ambulance services are closing because of lower Medicare reimbursement, resulting in response times far above the national average. R-HOPE would protect rural ambulance services and those living and traveling in these parts of the country by providing a 5-percent bonus payment for 2008 and 2009.

Finally, our bill takes a number of steps to help protect the availability of other health care providers, such as rural health clinics, home health agencies, and mental health professionals. This bill achieves the goal Senator Thomas and I have had for a number of years, that rural America enjoy the same level of health care access and affordability more urban areas enjoy. Rural America is the heart of our country. We cannot turn our backs on these areas and their health care needs.

Before I close, I also want to recognize Senator Thomas's staff member, Erin Tuggle, who has worked tirelessly on this legislation on behalf of rural health care and served Senator Craig Thomas so very well. She played a key role in developing this legislation, along with my staff, and I thank her for her efforts.

It is my hope this legislation, which will carry Senator Craig Thomas's name, will help strengthen our rural health care system. I can't think of a better tribute to my friend and our colleague, Senator Craig Thomas.

At this point, I wish to indicate that Senator ROBERTS is my leading cosponsor, Senator ROBERTS of Kansas, and we are joined by Senator HARKIN, Senator SALAZAR, Senator DOMENICI, Senator BINGAMAN, Senator SMITH, Senator NELSON of Nebraska, Senator SNOWE, Senator MURRAY, Senator THUNE, Senator DORGAN, Senator COLLINS, Senator JOHNSON, and Senator ENZI. I ask unanimous consent that they all appear as cosponsors of this legislation.

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

Mr. CONRAD. I should also indicate before I close that this bill has now been endorsed by the National Rural Health Association, the American Hospital Association, the American Ambulance Association, the American Telemedicine Association, the National Association for Home Care & Hospice, the American Association for Marriage and Family Therapy, the National Association of Rural Health Clinics, the North Dakota Hospital Association, and the Federation of American Hospitals, all of them joining together to send a message that this legislation is needed and it is needed now.

This is one way we can pay a tangible tribute to the service of Senator Craig Thomas. I think all of us who knew him and worked with him knew him as

a quintessential gentleman, and I hope very much that others of our colleagues will join us in cosponsoring this legislation in this tribute to Senator Thomas.

By Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, Ms. STABENOW):

S. 1606. A bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President in February, a series of articles in the Washington Post highlighted shortfalls in the care and treatment of our wounded warriors at the Walter Reed Army Hospital. These articles described deplorable living conditions for some service members in an outpatient status; a bungled, bureaucratic process for assigning disability ratings that determine whether a service member will be medically retired with health and other benefits for himself and for his family; and a clumsy handoff between the Department of Defense and the Department of Veterans Affairs as the military member transitions from one department to the other. The Nation's shock and dismay reflected the American people's support, respect, and gratitude for the men and women who put on our Nation's uniform. They deserve the best, not shoddy medical care and bureaucratic snafus.

The Armed Services Committee and the Veterans' Affairs Committee held a rare joint hearing to identify the problems our wounded soldiers are facing. These committees continue to work together to address these issues, culminating in the bill we introduce today, the Dignified Treatment for Wounded Warriors Act. Our bill addresses the issues of substandard facilities, inconsistent disability ratings, lack of seamless transition from DOD to the VA, inadequacy of severance pay, care and treatment for traumatic brain injury and post-traumatic stress disorder, medical care for caregivers not eligible for TRICARE, and the sharing of medical records between the Department of Defense and the Department of Veterans Affairs.

The Dignified Treatment for Wounded Warriors Act requires the Secretary of Defense to establish standards for the treatment of and housing for military outpatients. These standards will require compliance with Federal and other standards for hospital facilities and operations and will be uniform and consistent throughout the Department of Defense.

Another shortfall identified in the aftermath of the Washington Post articles is the inconsistency in disability ratings for the same and similar disabilities. In many instances, disability ratings assigned by the Veterans' Administration are higher than the disability ratings assigned by the military services for the same injuries. The military services are not even consistent among themselves in assigning disabilities. The Dignified Treatment for Wounded Warriors Act addresses the issue of disparate disability ratings in several ways.

First, it requires the military departments to use VA standards for rating disabilities, allowing the military to deviate from these standards only when the deviation will result in a higher disability rating for the service member. In our view, requiring all of the military departments and the VA to use the same standards should result in identical disability ratings for the same or similar disabilities.

Second, the act will change the statutory presumption used by the military departments for determining whether a disability is incurred incident to military service or existed prior to military service to mirror the statutory presumption used by the VA. Currently, the military rule is that a disability is presumed to be incident to service if a member has been in the military for 8 or more years. That leaves out a high percentage of our troops. Under the revised rule, a disability will be presumed to be incident to service when the member has 6 months or more of active military service and the disability was not noted at the time the member entered active duty, unless compelling evidence or medical judgement warrant a finding that the disability existed before the member entered active duty. This should avoid the situation where the military assigns a disability rating of zero percent on the basis that a disability existed prior to service and the VA later awards a higher disability rating and disability compensation by using the VA presumption to conclude that the very same disability is service connected.

Third, the act will require two pilot programs to test the viability of using the VA to assess disability ratings for the Department of Defense. One pilot program will require the Veterans' Administration to assign the disability ratings for the Department of Defense, based on all medical conditions that render the service member medically unfit for military service. The other pilot program will require the military department and the VA to jointly assign the disability rating, also based on all medical conditions that render the service member medically unfit for military service.

Fourth, the act will require the Secretary of Defense to establish a board to review and, where appropriate, correct disability determinations of 20 percent or less for those service members separated from service because they were medically unfit for duty after September 11, 2001. This will give our service members an opportunity to correct unwarranted low disability ratings and ensure that disability ratings are uniform and equitable.

The Institute of Medicine has just completed a study for the Veterans' Disability Benefits Commission, concluding that current VA standards are out of step with modern medical advances in conditions such as traumatic brain injury and modern concepts of disability. The Disability Commission is due to report to Congress on its findings and recommendations in October. The Dignified Treatment for Wounded Warriors Act will require the Department of Defense to use any updated standards as soon as the Veterans' Administration adopts them.

Our bill addresses the lack of a seamless transition from the military to the Veterans' Administration by requiring the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop a comprehensive policy on the care and management of service members who will transition from DOD to the VA. This policy will address the care and management of service members in a medical hold or medical holdover status, the medical evaluation and disability evaluation of disabled service members, the return of disabled service members to active duty when appropriate, and the transition of disabled service members from receipt of care and services from the Department of Defense to receipt of care and services from the VA.

Another problem identified by the committees is the inadequacy of separation pay for junior service members. Those separated with a disability rating of 30 percent or higher are medically retired with health care and additional benefits for the service members and their families. Those separated with a disability rating of less than 30 percent are discharged and given a severance pay that is based on how long they were in the military. For example, a service member with 2 years of service will receive the equivalent of only 4 months basic pay as severance pay. This bill increases the minimum severance pay to 1 year's basic pay for those separated for disabilities incurred in a combat zone and 6 months' basic pay for all others. Furthermore, under current law, severance pay is deducted from any VA disability compensation these service members receive. Our bill changes that by eliminating the requirement that severance

pay be deducted from disability compensation for disabilities incurred in a combat zone.

The signature injuries of the current conflicts are post-traumatic stress disorder, commonly referred to as PTSD, and traumatic brain injury, referred to as TBI. We still have a lot to do to adequately respond to these injuries. To address this, the Dignified Treatment of Wounded Warriors Act authorizes $50 million for improved diagnosis, treatment, and rehabilitation of members with TBI or PTSD. The act also requires the Secretary of Defense to establish Centers of Excellence for PTSD and for TBI. These centers will conduct research, train health care professionals, and provide guidance throughout the Department of Defense in the prevention, diagnosis, mitigation, treatment, and rehabilitation of these injuries. Finally, the act requires the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to report to Congress with comprehensive plans to prevent, diagnose, mitigate, treat, and otherwise respond to TBI and PTSD. These plans will address improvements of personnel protective equipment in addition to addressing the medical aspects of diagnosing and treating TBI and PTSD.

We are also addressing the problem that exists because medically retired service members, who are eligible for TRICARE as retirees, do not have access to some of the cutting-edge treatments that are available to members still on active duty. To address this shortfall, the act authorizes medically retired service members with disability ratings of 50 percent or higher to receive the active duty medical benefit for 3 years after the member leaves active duty.

We are also beginning to address the problem created when parents, siblings, and others who are not normally authorized to receive military health care leave their homes to serve as caregivers to military personnel with severe injuries while the members are undergoing extensive medical treatment. In many cases, these family members leave their jobs and lose their job-related health care. Even though these family members are in a military hospital, they are not authorized to receive medical care from the doctors at that facility when they need it. To address this, the act authorizes military and VA health care providers to provide urgent and emergency medical care and counseling to family members on invitational travel orders.

One of the significant shortfalls in the smooth transition from military health care to VA health care is the inability to share health records between the two Departments. Our bill will establish a Department of Defense and Department of Veterans Affairs Interagency Program Office to develop and implement a joint electronic health record.

The Dignified Treatment of Wounded Warriors Act is a comprehensive bill that lays out a path for the Department of Defense and the Department of Veterans Affairs to address shortfalls in the care and management of our wounded warriors. They deserve the best care and support we can muster. The American people rightly insist on no less.

Mr. AKAKA Mr. President, as chairman of the Veterans' Affairs Committee and as a member of the Armed Services Committee, I was delighted to work with Senator LEVIN, chairman of the Armed Services Committee, and others on this important legislation, the Dignified Treatment of Wounded Warriors Act of 2007. I really appreciated the willingness of the Armed Services Committee staff to work in close cooperation with the Veterans' Affairs Committee staff on its drafting. This legislation would improve the policies which govern the care and management of all servicemembers with a serious illness or injury that might render them unfit for duty in order to facilitate and enhance their care, rehabilitation, and physical evaluation, as well as improve their transition from the Department of Defense to the Department of Veterans Affairs.

This measure is a direct outcome of an unprecedented joint hearing held on April 12, 2007, by the Senate Armed Services and Veterans' Affairs Committees during which we heard testimony on the transition of servicemembers from DoD to VA. This measure will go a long way toward addressing the problems that first gained public attention with the stories about Walter Reed Army Medical Center and will help achieve the goal of providing optimal care and a truly seamless transition for the nation's wounded warriors.

I view issues relating to those servicemembers who may be rendered unfit as a result of an illness or injury from two different perspectives, both as chairman of the Veterans' Affairs Committee and as a member of the Armed Services Committee. As I said at the joint hearing, this is not solely a DoD or a VA problem. While DoD and VA are separate organizations, they both deal with the same servicemembers. A key element of this proposed legislation is the requirement that DoD and VA develop a comprehensive policy for transitioning those with serious illnesses or injuries from Active Duty military status to veteran status. As part of this effort, the two Departments will be required to conduct a comprehensive review of all regulations, policies, and procedures that impact these servicemembers and to identify best practices when developing joint policy. If we are going to fix the problems identified at Walter Reed, there must be uniform standards for the transition process that are understood by all parties and that are consistently applied by the military services.

I am delighted that the Dignified Treatment of Wounded Warriors Act embraces the reforms to the DoD Disability Evaluation System contained in S. 1252, legislation I introduced on April 30, 2007. For the Disability Evaluation System to work fairly and consistently, there must be uniform use by the military services of VA's disability rating schedule. The services must take into account all conditions which render a servicemember unfit when making a disability rating, as well as develop a program for the uniform training of Medical Evaluation Board and Physical Evaluation Board personnel. It is also essential that DoD develop a system of accountability to ensure that the military services comply with disability rating regulations and policies.

I am pleased to note that on June 27 the Veterans' Affairs Committee will conduct a markup of legislation that will complement the efforts of the Armed Services Committee to make sure that VA appropriately addresses problems confronting seriously wounded and injured servicemembers once they become veterans.

I commend Chairman LEVIN and the staff of the Armed Services Committee for crafting this comprehensive legislation. It will go a long way toward providing DoD and VA with a roadmap for improving the transition processes and ensuring that seriously ill and injured servicemembers and veterans get the benefits and services they need and deserve, the benefits and services these courageous men and women have earned by their service.

I urge all of our colleagues to support this proposed legislation.

Mr. MCCAIN. Mr. President, as ranking member of the Senate Armed Services Committee I am pleased to cosponsor the Dignified Treatment of Wounded Warriors Act, which would ensure that wounded and injured members of the Armed Forces receive the care and benefits that they deserve.

We were all surprised and deeply disappointed by the conditions at Walter Reed and the problems that our wounded warriors faced after their inpatient care was complete, living in substandard conditions at Building 18, being treated poorly, battling a Cold War-era disability evaluation process, and for some, simply falling through the cracks.

Since February of 2007, many encouraging changes have been initiated by the Department of Defense. First and foremost, Secretary Gates established and enforced a culture of accountability for the leadership failures that lead to the tragedy at Walter Reed. Medical facilities have now been inspected by all three military departments, and improvements are underway. Additional counselors and support has been provided to families. On April 25, 2007, a new Warrior Transition Brigade stood up at Walter Reed to manage all the needs of wounded and ill soldiers, both Active and Reserve. DOD has begun to exert greater management responsibility for the disability

evaluation systems of the military departments. We are on the right track to address the problems at Walter Reed and at other hospitals. We need to ensure that the effort is sustained. This legislation will ensure that these efforts continue.

The legislation requires that the Secretaries of Defense and Veterans Affairs work together to develop new policy to better manage the care and transition of our wounded soldiers. This policy would address many of the concerns that have been raised by wounded soldiers and their families, conditions while in a medical hold status, the need to streamline and make more transparent the medical and physical evaluation board processes, policies that facilitate the return to duty for soldiers who are able, and a policy governing the smooth transition of separating service members from the Department of Defense to the Department of Veterans Affairs which focuses on the needs of patients.

This legislation would improve health care benefits to severely wounded soldiers by extending their health care benefits as if the member were on active duty for a period of up to 5 years. This approach ensures that our most severely wounded have as many health care options as possible, especially for treatment of traumatic brain injury and other long term serious conditions.

This legislation authorizes additional funding for traumatic brain injury and post-traumatic stress disorder and requires the establishment of two centers of excellence for the prevention, research and treatment on these consequences of war. This legislation would also require DOD to develop a comprehensive plan for research, prevention and treatment of traumatic brain injury, which is long overdue in addressing the so-called signature injury of this war.

The administration requested, and this bill would provide, additional authorities to the Department of Defense to hire health care professionals to care for our service members and their families. It would also require the Department of Defense and Department of Veterans Affairs to jointly develop an electronic health record that can easily be shared between the two departments.

With respect to disability determinations for wounded warriors who leave military service, this legislation would require the Secretary of Defense to establish a special review board to independently review the findings and decisions of the Physical Evaluation Boards of the military departments since 2001, in cases in which the disability rates of 20 percent or less were awarded and members were not medically retired. We must act, in light of data showing that some members, particularly junior enlisted soldiers, may have unfairly been denied medical retirement. This legislation empowers the special board to correct military records and, if appropriate, restore to a wounded soldier a higher disability rating or retired status.

The bill would also end the requirement that disabled service members pay back severance pay if they obtain a higher disability rating from the VA, and increase the amount of severance pay that separating members receive.

To address the need for fundamental change in the way that the DOD and VA disability evaluation systems are structured, a belief shared by many of my colleagues, this legislation would require the Secretary of Defense to immediately implement pilot projects to test new improvements to the disability evaluation system. Such pilot programs will help expedite implementation of needed changes to the disability evaluation system.

This legislation would also require the Secretary of Defense to establish uniform standards for medical treatment facilities and medical residential housing facilities, and a DOD investment strategy to remedy all medical facility deficiencies. It would also require the Secretary of Defense to study the feasibility of accelerated construction of state-of-the art facilities and consolidation of patient care services at the new National Medical Center at Bethesda. As a condition for the closure of Walter Reed Army Medical Center, it would require the Secretary of Defense to certify that health care services would remain available in their totality until the new facility and staff are in place to effect a seamless transfer of care. The current facilities at Walter Reed have served the Nation well, but we can and must do better.

This legislation is a start on the journey to restore trust for America's wounded and her veterans, but it is not our final destination. It will take time to understand fully the complexities of the DOD and VA disability systems and to reconcile them in the best interests of our wounded veterans.

We must also look to the Department of Veterans Affairs to improve access to care for wounded veterans and improvements in its handling of veterans claims for disabilities. We must ensure that the VA maintains a robust medical infrastructure for quality health care, teaching and research, but one that also supports veterans beyond the limits of bricks and mortar in communities throughout the nation. I am developing legislation which would require the Secretary of Veterans Affairs to establish health care access standards for veterans with a service-connected disability throughout the VA health care delivery system, and, similar to DOD's TRICARE system, when services cannot be provided by the VA, authorize that care to be purchased from civilian providers. Civilian health care specialists are eager to do their part for America's veterans. Given the strain on the veterans health system, and the limits to our resources, we should give them that chance, and make certain that our Nation's veterans get the care that they need, when they need it.

There is no more important responsibility than to act on our moral obligation as a Nation to those who are willing to give their blood for its freedom. Let us continue to be guided by the words of President George Washington in 1789, who said, ''the willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.''

I hope that my colleagues will join Senator Levin and me in a bipartisan effort to make a difference in the lives of our service members who have given so much in support of our Nation.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1609. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce, by request of the administration, the National Offshore Aquaculture Act of 2007. I am joined by Senator STEVENS, the vice chairman of the Senate Commerce, Science and Transportation Committee. This bill would authorize the Secretary of Commerce to establish and implement a regulatory system for offshore aquaculture in the U.S. Exclusive Economic Zone. While Senator STEVENS and I understand this is a top priority for the administration, we continue to have concerns with the administration's bill as drafted, particularly with regard to the need for clearer safeguards for the environment and native fish stocks. Therefore, we are also filing several amendments that would address these concerns. The three amendments that I am filing, and which Senator STEVENS is cosponsoring, would strengthen requirements to address potential environmental risks from offshore aquaculture, including to native species; require a more comprehensive research and development program for offshore aquaculture; and ensure that offshore aquaculture permits could only be provided to citizens, residents, or business entities of the United States. Senator STEVENS is also filing an amendment, which I am cosponsoring, that would prohibit offshore aquaculture of finfish in the Exclusive Economic Zone off the coast of Alaska. I intend to introduce later this year a comprehensive bill that would address additional concerns with the administration's proposed legislation.

I ask unanimous consent that the text of this 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. 1609

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 ''National Offshore Aquaculture Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States—

(A) to support an offshore aquaculture industry that will produce food and other valuable products, protect wild stocks and the quality of marine ecosystems, and be compatible with other uses of the Exclusive Economic Zone;

(B) to encourage the development of environmentally responsible offshore aquaculture by authorizing offshore aquaculture operations and research;

(C) to establish a permitting process for offshore aquaculture that encourages private investment in aquaculture operations and research, provides opportunity for public comment, and addresses the potential risks to and impacts (including cumulative impacts) on marine ecosystems, human health and safety, other ocean uses, and coastal communities from offshore aquaculture; and

(D) to promote, through public-private partnerships, research and development in marine aquaculture science, technology, and related social, economic, legal, and environmental management disciplines that will enable marine aquaculture operations to achieve operational objectives while protecting marine ecosystem quality.

(2) Offshore aquaculture activities within the Exclusive Economic Zone of the United States constitute activities with respect to which the United States has proclaimed sovereign rights and jurisdiction under Presidential Proclamation 5030 of March 10, 1983.

SEC. 3. DEFINITIONS.

In this Act:

(1) COASTAL STATE.—The term ''coastal State'' means—

(A) a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, or Long Island Sound; and

(B) Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and American Samoa.

(2) COASTLINE.—The term ''coastline'' means the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters.

(3) EXCLUSIVE ECONOMIC ZONE.—The term ''Exclusive Economic Zone'' means, unless otherwise specified by the President in the public interest in a writing published in the Federal Register, a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except as established by a maritime boundary treaty in force, or being provisionally applied by the United States or, in the absence of such a treaty where the distance between the United States and another nation is less than 400 nautical miles, a line equidistant between the United States and the other nation. Without affecting any Presidential Proclamation with regard to the establishment of the United States territorial sea or Exclusive Economic Zone, the inner boundary of that zone is—

(A) a line coterminous with the seaward boundary (as defined in section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1312)) of each of the several coastal States,;

(B) a line 3 marine leagues from the coastline of the Commonwealth of Puerto Rico;

(C) a line 3 geographical miles from the coastlines of American Samoa, the United States Virgin Islands, and Guam;

(D) for the Commonwealth of the Northern Mariana Islands—

(i) its coastline, until such time as the Commonwealth of the Northern Mariana Islands is granted authority by the United States to regulate all fishing to a line seaward of its coastline, and

(ii) upon the United States' grant of such authority, the line established by such grant of authority; and

(E) for any possession of the United States not described in subparagraph (B), (C), or (D), the coastline of such possession.

Nothing in this paragraph shall be construed as diminishing the authority of the Department of Defense, the Department of the Interior, or any other Federal department or agency.

(4) LESSEE.—The term ''lessee'' means any party to a lease, right-of-use and easement, or right-of-way, or an approved assignment thereof, issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(5) MARINE SPECIES.—The term ''marine species'' means finfish, mollusks, crustaceans, marine algae, and all other forms of marine life other than marine mammals and birds.

(6) OFFSHORE AQUACULTURE.—The term ''offshore aquaculture'' means all activities, including the operation of offshore aquaculture facilities, involved in the propagation and rearing, or attempted propagation and rearing, of marine species in the United States Exclusive Economic Zone.

(7) OFFSHORE AQUACULTURE FACILITY.—The term ''offshore aquaculture facility'' means—

(A) an installation or structure used, in whole or in part, for offshore aquaculture; or

(B) an area of the seabed or the subsoil used for offshore aquaculture of living organisms belonging to sedentary species.

(8) OFFSHORE AQUACULTURE PERMIT.—The term ''offshore aquaculture permit'' means an authorization issued under section 4(b) to raise specified marine species in a specific offshore aquaculture facility within a specified area of the Exclusive Economic Zone.

(9) PERSON.—The term ''person'' means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other nongovernmental entity (whether or not organized or existing under the laws of any State), and State, local or tribal government or entity thereof, and, except as otherwise specified by the President in writing, the Federal Government or an entity thereof, and, to the extent specified by the President in writing, a foreign government, or an entity thereof.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 4. OFFSHORE AQUACULTURE PERMITS.

(a) IN GENERAL.—

(1) The Secretary shall establish, through rulemaking, in consultation as appropriate with other relevant Federal agencies, coastal States, and regional fishery management councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), a process to make areas of the Exclusive Economic Zone available to eligible persons for the development and operation of offshore aquaculture facilities. The process shall include—

(A) procedures and criteria necessary to issue and modify permits under this Act;

(B) procedures to coordinate the offshore aquaculture permitting process, and related siting, operations, environmental protection, monitoring, enforcement, research, and economic and social activities, with similar activities administered by other Federal agencies and coastal States;

(C) consideration of the potential environmental, social, economic, and cultural impacts of offshore aquaculture and inclusion, where appropriate, of permit conditions to address negative impacts;

(D) public notice and opportunity for public comment prior to issuance of offshore aquaculture permits;

(E) procedures to monitor and evaluate compliance with the provisions of offshore aquaculture permits, including the collection of biological, chemical and physical oceanographic data, and social, production, and economic data; and

(F) procedures for transferring permits from the original permit holder to a person that—

(i) meets the eligibility criteria in subsection (b)(2)(A); and

(ii) satisfies the requirements for bonds or other guarantees prescribed under subsection (c)(3).

(2) The Secretary shall prepare an analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the process for issuing permits.

(3) The Secretary shall periodically review the procedures and criteria for issuance of offshore aquaculture permits and modify them as appropriate, in consultation as appropriate with other Federal agencies, the coastal States, and regional fishery management councils, based on the best available science.

(4) The Secretary shall consult as appropriate with other Federal agencies and coastal States to identify the environmental requirements that apply to offshore aquaculture under existing laws and regulations. The Secretary shall establish through rulemaking, in consultation with appropriate Federal agencies, coastal States, and regional fishery management councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), additional environmental requirements to address environmental risks and impacts associated with offshore aquaculture, to the extent necessary. The environmental requirements shall address, at a minimum—

(A) risks to and impacts on natural fish stocks and fisheries, including safeguards needed to conserve genetic resources, to prevent or minimize the transmission of disease or parasites to wild stocks, and to prevent the escape of marine species that may cause significant environmental harm;

(B) risks to and impacts on marine ecosystems; biological, chemical and physical features of water quality and habitat; marine species, marine mammals and birds;

(C) cumulative effects of the aquaculture operation and other aquaculture operations in the vicinity of the proposed site;

(D) environmental monitoring, data archiving, and reporting by the permit holder;

(E) requirements that marine species propagated and reared through offshore aquaculture be species native to the geographic region unless a scientific risk analysis shows that the risk of harm to the marine environment from the offshore culture of non-indigenous or genetically modified marine species is negligible or can be effectively mitigated; and

(F) maintaining record systems to track inventory and movement of fish or other marine species in the offshore aquaculture facility or harvested from such facility, and, if necessary, tagging, marking, or otherwise identifying fish or other marine species in the offshore aquaculture facility or harvested from such facility.

(5) The Secretary, in cooperation with other Federal agencies, shall—

(A) collect information needed to evaluate the suitability of sites for offshore aquaculture; and

(B) monitor the effects of offshore aquaculture on marine ecosystems and implement such measures as may be necessary to protect the environment, including temporary or permanent relocation of offshore aquaculture sites, a moratorium on additional sites within a prescribed area, and other appropriate measures as determined by the Secretary.

(b) PERMITS.—Subject to the provisions of subsection (e), the Secretary may issue offshore aquaculture permits under such terms and conditions as the Secretary shall prescribe. Permits issued under this Act shall authorize the permit holder to conduct offshore aquaculture consistent with the provisions of this Act, regulations issued under this Act, any specific terms, conditions and restrictions applied to the permit by the Secretary, and other applicable law.

(1) PROCEDURE FOR ISSUANCE OF PERMITS.—

(A) An applicant for an offshore aquaculture permit shall submit an application to the Secretary specifying the proposed location and type of operation, the marine species to be propagated or reared, or both, at the offshore aquaculture facility, and other design, construction, and operational information, as specified by regulation.

(B) Within 120 days after determining that a permit application is complete and has satisfied all applicable statutory and regulatory requirements, as specified by regulation, the Secretary shall issue or deny the permit. If the Secretary is unable to issue or deny a permit within this time period, the Secretary shall provide written notice to the applicant indicating the reasons for the delay and establishing a reasonable timeline for issuing or denying the permit.

(2) PERMIT CONDITIONS.—

(A) An offshore aquaculture permit holder shall—

(i) be a resident of the United States;

(ii) be a corporation, partnership, or other entity organized and existing under the laws of a State or the United States; or

(iii) if the holder does not meet the requirements of clause (i) or (ii), to the extent required by the Secretary by regulation after coordination with the Secretary of State, waive any immunity, and consent to the jurisdiction of the United States and its courts, for matters arising in relation to such permit, and appoint and maintain agents within the United States who are authorized to receive and respond to any legal process issued in the United States with respect to such permit holder.

(B) Subject to the provisions of subsection (e), the Secretary shall establish the terms, conditions, and restrictions that apply to offshore aquaculture permits, and shall specify in the permits the duration, size, and location of the offshore aquaculture facility.

(C) Except for projects involving pilot-scale testing or farm-scale research on aquaculture science and technologies and offshore aquaculture permits requiring concurrence of the Secretary of the Interior under subsection (e)(1), the permit shall have a duration of 20 years, renewable thereafter at the discretion of the Secretary in up to 20-year increments. The duration of permits requiring concurrence of the Secretary of the Interior under subsection (e)(1) shall be developed in consultation as appropriate with the Secretary of the Interior, except that any such permit shall expire no later than the date that the lessee, or the lessee's operator, submits to the Secretary of the Interior a final application for the decommissioning and removal of an existing facility upon which an offshore aquaculture facility is located.

(D) At the expiration or termination of an offshore aquaculture permit for any reason, the permit holder shall remove all structures, gear, and other property from the site, and take other measures to restore the site as may be prescribed by the Secretary.

(E) The Secretary may revoke a permit for failure to begin offshore aquaculture operations within a reasonable period of time, or prolonged interruption of offshore aquaculture operations.

(3) NATIONAL INTEREST DETERMINATION.—If the Secretary determines that issuance of a permit is not in the national interest, the Secretary may decline to issue such a permit or may impose such conditions as necessary to address such concerns.

(c) FEES AND OTHER PAYMENTS.—

(1) The Secretary may establish, through regulations, application fees and annual permit fees. Such fees shall be deposited as offsetting collections in the Operations, Research, and Facilities account. Fees may be collected and made available only to the extent provided in advance in appropriation Acts.

(2) The Secretary may reduce or waive applicable fees or other payments established under this section for facilities used primarily for research.

(3) The Secretary shall require the permit holder to post a bond or other form of financial guarantee, in an amount to be determined by the Secretary as sufficient to cover any unpaid fees, the cost of removing an offshore aquaculture facility at the expiration or termination of an offshore aquaculture permit, and other financial risks as identified by the Secretary.

(d) COMPATIBILITY WITH OTHER USES.—

(1) The Secretary shall consult as appropriate with other Federal agencies, coastal States, and regional fishery management councils to ensure that offshore aquaculture for which a permit is issued under this section is compatible with the use of the Exclusive Economic Zone for navigation, fishing, resource protection, recreation, national defense (including military readiness), mineral exploration and development, and other activities.

(2) The Secretary shall not authorize permits for new offshore aquaculture facilities within 12 miles of the coastline of a coastal State if that coastal State has submitted a written notice to the Secretary that the coastal State opposes such activities. This paragraph does not apply to permit applications received by the Secretary prior to the date the notice is received from a coastal State. A coastal State that transmits such a notice to the Secretary may revoke that notice in writing at any time.

(3) Federal agencies implementing this Act, persons subject to this Act, and coastal States seeking to review permit applications under this Act shall comply with the applicable provisions of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and regulations promulgated thereunder.

(4) Notwithstanding the definition of the term ''fishing'' in section 3(16) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(16)), the conduct of offshore aquaculture in accordance with permits issued under this Act shall not be considered ''fishing'' for purposes of that Act. The Secretary shall ensure, to the extent practicable, that offshore aquaculture does not interfere with conservation and management measures promulgated under the Magnuson-Stevens Fishery Conservation and Management Act.

(5) The Secretary may promulgate regulations that the Secretary finds to be reasonable and necessary to protect offshore aquaculture facilities, and, where appropriate, shall request that the Secretary of the department in which the Coast Guard is operating establish navigational safety zones around such facilities. In addition, in the case of any offshore aquaculture facility described in subsection (e)(1), the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of the Interior before designating such a zone.

(6) After consultation with the Secretary, the Secretary of State, and the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating may designate a zone of appropriate size around and including any offshore aquaculture facility for the purpose of navigational safety. In such a zone, no installations, structures, or uses will be allowed that are incompatible with the operation of the offshore aquaculture facility. The Secretary of the department in which the Coast Guard is operating may define, by rulemaking, activities that are allowed within such a zone.

(7)(A) Subject to subparagraph (B), if the Secretary, after consultation with Federal agencies as appropriate and after affording the permit holder notice and an opportunity to be heard, determines that suspension, modification, or revocation of a permit is in the national interest, the Secretary may suspend, modify, or revoke such permit.

(B) If the Secretary determines that an emergency exists that poses a risk to the safety of humans, to the marine environment, to marine species, or to the security of the United States and that requires suspension, modification, or revocation of a permit, the Secretary may suspend, modify, or revoke the permit for such time as the Secretary may determine necessary to meet the emergency. The Secretary shall afford the permit holder a prompt post-suspension or post-modification opportunity to be heard regarding the suspension, modification, or revocation.

(8) Permits issued under this Act do not supersede or substitute for any other authorization required under applicable Federal or State law or regulation.

(e) ACTIONS AFFECTING THE OUTER CONTINENTAL SHELF.—

(1) CONCURRENCE OF SECRETARY OF INTERIOR REQUIRED.—The Secretary shall obtain the concurrence of the Secretary of the Interior for permits for offshore aquaculture facilities located—

(A) on leases, right-of-use and easements, or rights of way authorized or permitted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or

(B) within 1 mile of any other facility permitted or for which a plan has been approved under that Act.

(2) PRIOR CONSENT REQUIRED.— Offshore aquaculture may not be located on facilities described in paragraph (1)(A) without the prior consent of the lessee, its designated operator, and the owner of the facility.

(3) REVIEW FOR LEASE, ETC., COMPLIANCE.—The Secretary of the Interior shall review and approve any agreement between a lessee, designated operator, and owner of a facility described in paragraph (1) and a prospective aquaculture operator to ensure that it is consistent with the Federal lease terms, Department of the Interior regulations, and the Secretary of the Interior's role in the protection of the marine environment, property, or human life or health. An agreement under this subsection shall be part of the information reviewed pursuant to the Coastal Zone Management Act review process described in paragraph (4) and shall not be subject to a separate Coastal Zone Management Act review.

(4) COORDINATED COASTAL ZONE MANAGEMENT ACT REVIEW.—

(A) If the applicant for an offshore aquaculture facility that will utilize a facility described in paragraph (1) is required to submit to a coastal State a consistency certification for its aquaculture application under section 307(c)(3)(A) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(A)), the coastal State's review under the Coastal Zone Management Act and corresponding Federal regulations shall also include any modification to a lessee's approved plan or other document for which a consistency certification would otherwise be required under applicable Federal regulations, including changes to its plan for decommissioning any facilities, resulting from or necessary for the issuance of the offshore aquaculture permit, if information related to such modifications or changes is received by the coastal State at the time the coastal State receives the offshore aquaculture permit applicant's consistency certification. If the information related to such modifications or changes is received by the coastal State at the time the coastal State receives the offshore aquaculture permit applicant's consistency certification, a lessee is not required to submit a separate consistency certification for any such modification or change under section 307(c)(3)(B) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(B)) and the coastal State's concurrence or objection, or presumed concurrence, under section 307(c)(3)(A) of that Act (16 U.S.C. 1456(c)(3)(A)) in a consistency determination for the offshore aquaculture permit, shall apply to both the offshore aquaculture permit and to any related modifications or changes to a lessee's plan approved under the Outer Continental Shelf Lands Act.

(B) If a coastal State is not authorized by section 307(c)(3)(A) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(A)) and corresponding Federal regulations to review an offshore aquaculture application submitted under this Act, then any modifications or changes to a lessee's approved plan or other document requiring approval from the Department of the Interior, shall be subject to coastal State review pursuant to the requirements of section 307(c)(3)(B) of the Coastal Zone Management Act (16 U.S.C. 1456(c)(3)(B)), if a consistency certification for those modifications or changes is required under applicable Federal regulations.

(5) JOINT AND SEVERAL LIABILITY.—For offshore aquaculture located on facilities described in paragraph (1), the aquaculture permit holder and all parties that are or were lessees of the lease on which the facilities are located during the term of the offshore aquaculture permit shall be jointly and severally liable for the removal of any construction or modifications related to aquaculture operations if the aquaculture permit holder fails to do so and bonds established under this Act for aquaculture operations prove insufficient to cover those obligations. This paragraph does not affect obligations to decommission facilities under the Outer Continental Shelf Lands Act.

(6) ADDITIONAL AUTHORITY.—For aquaculture projects or operations described in paragraph (1), the Secretary of the Interior may—

(A) promulgate such rules and regulations as are necessary and appropriate to carry out the provisions of this subsection;

(B) require and enforce such additional terms or conditions as the Secretary of the Interior deems necessary to protect the marine environment, property, or human life or health to ensure the compatibility of aquaculture operations with all activities for which permits have been issued under the Outer Continental Shelf Lands Act;

(C) issue orders to the offshore aquaculture permit holder to take any action the Secretary of the Interior deems necessary to ensure safe operations on the facility to protect the marine environment, property, or human life or health. Failure to comply with the Secretary of the Interior's orders will be deemed to constitute a violation of the Outer Continental Shelf Lands Act; and

(D) enforce all requirements contained in such regulations, lease terms and conditions and orders pursuant to the Outer Continental Shelf Lands Act.

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.— In consultation as appropriate with other Federal agencies, the Secretary may establish and conduct an integrated, multidisciplinary, scientific research and development program to further marine aquaculture technologies that are compatible with the protection of marine ecosystems.

(b) PARTNERSHIPS.—The Secretary may conduct research and development in partnership with offshore aquaculture permit holders.

(c) REDUCTION OF WILD FISH AS FOOD.—The Secretary, in collaboration with the Secretary of Agriculture, shall conduct research to reduce the use of wild fish in aquaculture feeds, including the substitution of seafood processing wastes, cultured marine algae, and microbial sources of nutrients important for human health and nutrition, agricultural crops, and other products.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary and appropriate to carry out the provisions of this Act. The Secretary may at any time amend such regulations, and such regulations shall, as of their effective date, apply to all operations conducted pursuant to permits issued under this Act, regardless of the date of the issuance of such permit.

(b) CONTRACT, ETC., AUTHORITY.—The Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act and on such terms as the Administrator of the National Oceanic and Atmospheric Administration deems appropriate.

(c) USE OF CONTRIBUTED GOVERNMENTAL RESOURCES.— For purposes related to the enforcement of this Act, the Secretary may use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization.

(d) AUTHORITY TO UTILIZE GRANT FUNDS.—

(1) Except as provided in paragraph (2), the Secretary may apply for, accept, and obligate research grant funding from any Federal source operating competitive grant programs where such funding furthers the purpose of this Act.

(2) The Secretary may not apply for, accept, or obligate any grant funding under paragraph (1) for which the granting agency lacks authority to grant funds to Federal agencies, or for any purpose or subject to conditions that are prohibited by law or regulation.

(3) Appropriated funds may be used to satisfy a requirement to match grant funds with recipient agency funds, except that no grant may be accepted that requires a commitment in advance of appropriations.

(4) Funds received from grants shall be deposited in the National Oceanic and Atmospheric Administration account that serves to accomplish the purpose for which the grant was awarded.

(e) RESERVATION OF AUTHORITY.—Nothing in this Act shall be construed to displace, supersede, or limit the jurisdiction, responsibilities, or rights of any Federal or State agency, or Indian Tribe or Alaska Native organization, under any Federal law or treaty.

(f) APPLICATION OF LAWS TO FACILITIES IN THE EEZ.—The Constitution, laws, and treaties of the United States shall apply to an offshore aquaculture facility located in the Exclusive Economic Zone for which a permit has been issued or is required under this Act and to activities in the Exclusive Economic Zone connected, associated, or potentially interfering with the use or operation of such facility, in the same manner as if such facility were an area of exclusive Federal jurisdiction located within a State. Nothing in this Act shall be construed to relieve, exempt, or immunize any person from any other requirement imposed by an applicable Federal law, regulation, or treaty. Nothing in this Act shall be construed to confer citizenship to a person by birth or through naturalization or to entitle a person to avail himself of any law pertaining to immigration, naturalization, or nationality.

(g) APPLICATION OF CERTAIN STATE LAWS.—The law of the nearest adjacent coastal State, now in effect or hereafter adopted, amended, or repealed, is declared to be the law of the United States, and shall apply to any offshore aquaculture facility for which a permit has been issued pursuant to this Act, to the extent applicable and not inconsistent with any provision or regulation under this Act or other Federal laws and regulations now in effect or hereafter adopted, amended, or repealed. All such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. For purposes of this subsection, the nearest adjacent coastal State shall be that State whose seaward boundaries, if extended beyond 3 nautical miles, would encompass the site of the offshore aquaculture facility. State taxation laws shall not apply to offshore aquaculture facilities in the Exclusive Economic Zone.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $4,052,000 in fiscal year 2008 and thereafter such sums as may be necessary for purposes of carrying out the provisions of this Act.

SEC. 8. UNLAWFUL ACTIVITIES.

It is unlawful for any person—

(1) to falsify any information required to be reported, communicated, or recorded pursuant to this Act or any regulation or permit issued under this Act, or to fail to submit in a timely fashion any required information, or to fail to report to the Secretary immediately any change in circumstances that has the effect of rendering any such information false, incomplete, or misleading;

(2) to engage in offshore aquaculture within the Exclusive Economic Zone of the United States or operate an offshore aquaculture facility within the Exclusive Economic Zone of the United States, except pursuant to a valid permit issued under this Act;

(3) to refuse to permit an authorized officer to conduct any lawful search or lawful inspection in connection with the enforcement of this Act or any regulation or permit issued under this Act;

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with an authorized officer in the conduct of any search or inspection in connection with the enforcement of this Act or any regulation or permit issued under this Act;

(5) to resist a lawful arrest or detention for any act prohibited by this section;

(6) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of another person, knowing that such

person has committed any act prohibited by this section;

(7) to import, export, sell, receive, acquire or purchase in interstate or foreign commerce any marine species in violation of this Act or any regulation or permit issued under this Act;

(8) upon the expiration or termination of any aquaculture permit for any reason, to fail to remove all structures, gear, and other property from the site, or take other measures, as prescribed by the Secretary, to restore the site;

(9) to violate any provision of this Act, any regulation promulgated under this Act, or any term or condition of any permit issued under this Act; or

(10) to attempt to commit any act described in paragraph (1), (2), (7), (8) or (9).

SEC. 9. ENFORCEMENT PROVISIONS.

(a) DUTIES OF SECRETARIES.—Subject to subparagraphs (B) and (D) of section 4(e)(6), this Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating.

(b) POWERS OF ENFORCEMENT.—

(1) Any officer who is authorized pursuant to subsection (a) of this section by the Secretary or the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this Act may—

(A) with or without a warrant or other process—

(i) arrest any person, if the officer has reasonable cause to believe that such person has committed or is committing an act prohibited by section 8 of this Act;

(ii) search or inspect any offshore aquaculture facility and any related land-based facility;

(iii) seize any offshore aquaculture facility (together with its equipment, records, furniture, appurtenances, stores, and cargo), and any vessel or vehicle, used or employed in aid of, or with respect to which it reasonably appears that such offshore aquaculture facility was used or employed in aid of, the violation of any provision of this Act or any regulation or permit issued under this Act;

(iv) seize any marine species (wherever found) retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 8 of this Act;

(v) seize any evidence related to any violation of any provision of this Act or any regulation or permit issued under this Act;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(2) Any officer who is authorized pursuant to subsection (a) of this section by the Secretary or the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this Act may make an arrest without a warrant for (A) an offense against the United States committed in his presence, or (B) for a felony cognizable under the laws of the United States, if he has reasonable grounds to believe that the person to be arrested has committed or is committing a felony. Any such authorized person may execute and serve a subpoena, arrest warrant or search warrant issued in accordance with Rule 41 of the Federal Rules of Criminal Procedure, or other warrant of civil or criminal process issued by any officer or court of competent jurisdiction for enforcement of the Act, or any regulation or permit issued under this Act.

(c) ISSUANCE OF CITATIONS.—If any authorized officer finds that a person is engaging in or has engaged in offshore aquaculture in violation of any provision of this Act, such officer may issue a citation to that person.

(d) LIABILITY FOR COSTS.—Any person who violates this Act, or a regulation or permit issued under this Act, shall be liable for the cost incurred in storage, care, and maintenance of any marine species or other property seized in connection with the violation.

SEC. 10. CIVIL ENFORCEMENT AND PERMIT SANCTIONS.

(a) CIVIL ADMINISTRATIVE PENALTIES.—

(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated this Act, or a regulation or permit issued under this Act, shall be liable to the United States for a civil penalty. The amount of the civil penalty under this paragraph shall not exceed $200,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

(2) COMPROMISE OR OTHER ACTION BY THE SECRETARY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil administrative penalty which is or may be imposed under this section and that has not been referred to the Attorney General for further enforcement action.

(b) CIVIL JUDICIAL PENALTIES.—Any person who violates any provision of this Act, or any regulation or permit issued thereunder, shall be subject to a civil penalty not to exceed $250,000 for each such violation. Each day of a continuing violation shall constitute a separate violation. The Attorney General, upon the request of the Secretary, may commence a civil action in an appropriate district court of the United States, and such court shall have jurisdiction to award civil penalties and such other relief as justice may require. In determining the amount of a civil penalty, the court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations and such other matters as justice may require. In imposing such penalty, the district court may also consider information related to the ability of the violator to pay.

(c) PERMIT SANCTIONS.—

(1) In any case in which—

(A) an offshore aquaculture facility has been used in the commission of an act prohibited under section 8 of this Act;

(B) the owner or operator of an offshore aquaculture facility or any other person who has been issued or has applied for a permit under section 4 of this Act has acted in violation of section 8 of this Act; or

(C) any amount in settlement of a civil forfeiture imposed on an offshore aquaculture facility or other property, or any civil penalty or criminal fine imposed under this Act or imposed on any other person who has been issued or has applied for a permit under any fishery resource statute enforced by the Secretary, has not been paid and is overdue, the Secretary may—

(i) revoke any permit issued with respect to such offshore aquaculture facility or applied for by such a person under this Act, with or without prejudice to the issuance of subsequent permits;

(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

(iii) deny such permit; or

(iv) impose additional conditions and restrictions on such permit.

(2) In imposing a sanction under this subsection, the Secretary shall take into account—

(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

(B) with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

(3) Transfer of ownership of an offshore aquaculture facility, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of an offshore aquaculture facility, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the offshore aquaculture facility at the time of the transfer. The Secretary may waive or compromise a sanction in the case of a transfer pursuant to court order.

(4) In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

(5) No sanctions shall be imposed under this subsection unless there has been prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.

(d) INJUNCTIVE RELIEF.—Upon the request of the Secretary, the Attorney General of the United States may commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation of any provision of this Act, or regulation or permit issued under this Act.

(e) HEARING.—For the purposes of conducting any investigation or hearing under this section or any other statute administered by the National Oceanic and Atmospheric Administration which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contempt or refusal to obey a subpoena served upon any person pursuant to this subsection, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Nothing in this Act shall be construed to grant jurisdiction to a district court to entertain an application for an order to enforce a subpoena issued by the Secretary of Commerce to the Federal Government or any entity thereof.

(f) JURISDICTION.—The United States district courts shall have original jurisdiction of any action under this section arising out of or in connection with the construction or operation of aquaculture facilities, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent coastal State nearest the place where the cause of action arose. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but

also in any other district as authorized by law.

(g) COLLECTION.—If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the matter may be referred to the Attorney General, who may recover the amount (plus interest at currently prevailing rates from the date of the final order). In such action the validity, amount and appropriateness of the final order imposing the civil penalty shall not be subject to review. Any person who fails to pay, on a timely basis, the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorney's fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such persons penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(h) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this Act, process may be served in any district where the defendant is found, resides, transacts business or has appointed an agent for the service of process, and for civil cases may also be served in a place not within the United States in accordance with Rule 4 of the Federal Rules of Civil Procedure.

SEC. 11. CRIMINAL OFFENSES.

(a) IN GENERAL.—Any person (other than a foreign government or any entity of such government) who knowingly commits an act prohibited by subsection (c), (d), (e), or (f) of section 8, shall be imprisoned for not more than 5 years or shall be fined not more than $500,000 for individuals or $1,000,000 for an organization, or both; except that if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than 10 years.

(b) OTHER OFFENSES.—Any person (other than a foreign government or any entity of such government) who knowingly violates any provision of section 8 other than subsection (c), (d), (e) or (f), any provision of any regulation promulgated pursuant to this Act, or any permit issued under this Act, shall be imprisoned for not more than 5 years, or shall be fined not more than $500,000 for an individual or $1,000,000 for an organization, or both.

(c) JURISDICTION OF DISTRICT COURTS.—The United States district courts shall have original jurisdiction of any action arising under this section out of or in connection with the construction or operation of aquaculture facilities, and proceedings with respect to any such action may be instituted in the judicial district in which any defendant resides or may be found. For the purpose of this section, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any other district as authorized under law.

SEC. 12. FORFEITURES.

(a) CRIMINAL FORFEITURE.—A person who is convicted of an offense under section 11 of this Act shall forfeit to the United States—

(1) any property, real or personal, constituting or traceable to the gross proceeds obtained, or retained, as a result of the offense including, without limitation, any marine species (or the fair market value thereof) taken or retained in connection with or as a result of the offense; and

(2) any property, real or personal, used or intended to be used to commit or to facilitate the commission of the offense, including, without limitation, any offshore aquaculture facility or vessel, including its structure, equipment, furniture, appurtenances, stores, and cargo, and any vehicle or aircraft.

Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d), shall apply to criminal forfeitures under this section.

(b) CIVIL FORFEITURE.—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) Any property, real or personal, constituting or traceable to the gross proceeds obtained, or retained, as a result of a violation of any provision of section 8 or section 4(b)(2)(D) of this Act, including, without limitation, any marine species (or the fair market value thereof) taken or retained in connection with or as a result of the violation.

(2) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any such violation, including, without limitation, any offshore aquaculture facility or vessel, including its structure, equipment, furniture, appurtenances, stores, and cargo, and any vehicle or aircraft.

Civil forfeitures under this section shall be governed by the procedures set forth in chapter 46 of title 18, United States Code.

(c) REBUTTABLE PRESUMPTION.—In any criminal or civil forfeiture proceeding under this section, there is a rebuttable presumption that all marine species found within an offshore aquaculture facility and seized in connection with a violation of section 8 of this Act were taken or retained in violation of this Act.

SEC. 13. SEVERABILITY AND JUDICIAL REVIEW.

(a) SEVERABILITY.—If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(b) JUDICIAL REVIEW.—

(1) IN GENERAL.—Judicial review of any action taken by the Secretary under this chapter shall be in accordance with sections 701 through 706 of title 5, United States Code, except that—

(A) review of any final agency action of the Secretary taken pursuant to subsection (a) or (c) of section 11 may be had only by the filing of a complaint by an interested person in the United States District Court for the appropriate district; any such complaint must be filed within 30 days of the date such final agency action is taken; and

(B) review of all other final agency actions of the Secretary under this chapter may be had only by the filing of a petition for review by an interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business which is directly affected by the action taken; such petition shall be filed within 120 days from the date such final action is taken.

(2) LIMITATION OF JUDICIAL REVIEW.—Final agency action with respect to which review could have been obtained under paragraph (1)(B) of this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(3) AWARDS OF LITIGATION COSTS.—In any judicial proceeding under paragraph (1) of this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party whenever it determines that such award is appropriate.

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1613. A bill to require the Director of National Intelligence to submit to Congress an unclassified report on energy security and for other purposes; to the Select Committee on Intelligence.

Mr. WYDEN. Mr. President, today Senator CHAMBLISS and I are introducing legislation that could have a far-reaching impact on the national security of the United States. As every American knows, one of the most important elements of our national security infrastructure is the collection of agencies that make up our national intelligence community. But when most Americans think about the CIA, the FBI, or the NSA, they tend to think of agencies that are focused on a small handful of James Bond-style issues, such as missile stockpiles, new weapons technologies, and coups in foreign lands. These issues are still important, but in the modem world it is essential to recognize that protecting national security is a lot more complicated than it was during the Cold War, and there are many other issues that require attention and action.

Thankfully, the men and women of the intelligence community already recognize this crucial fact, and are working hard to address the wide variety of threats and challenges that face America in the 21st century. Unfortunately, many policymakers still think of intelligence in 20th century terms, and as a result many of our national intelligence capabilities are underused and underappreciated.

The best example of this is unquestionably in the field of energy security. American dependence on foreign oil has made our Nation less safe. Oil revenues have provided income for dangerous rogue states, they have sparked bloody civil wars, and they have even provided funding for terrorism. In a sickening phenomenon that I call the terror tax, every time that Americans drive their cars down to the gas station and fill up at the pump, the reality is that a portion of that money is then turned over to foreign governments that ''backdoor'' it over to Islamist extremists, who use that money to perpetuate terrorism and hate. As the GAO has pointed out, while talking about the oil-rich nation of Saudi Arabia:

> Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. U.S. government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support to terrorist activities.

Furthermore, by allowing our national energy security to depend on foreign oil, we are leaving the American economy vulnerable to external shocks and disruptions. Recent American history is full of examples of events overseas jolting U.S. energy supplies, and just a couple decades ago the oil cartel known as OPEC declared an embargo which sent the U.S. economy into a tailspin.

There are many other challenges out there that have the potential to affect U.S. national security and energy security. For example, it seems clear that the Middle East will remain in turmoil for years to come, and policmakers will have to consider the potential impact of events such as a terrorist attack on a major oil facility, or a change in government in an oil-producing state, or the further deterioration of the situation in Iraq. Outside of the Middle East there are other challenges to face, including the continued growth of major energy consuming countries like India and China, the policies of less-predictable governments such as Russia and Venezuela, and the emergence of new energy producers in unstable areas of the world.

As policymakers attempt to grapple with these challenges, it is vital for them to be informed by the best thinking available, and as I said, the men and women of our national intelligence agencies are already performing quality analysis on many topics relevant to national security. This expertise is spread throughout the intelligence community, and includes professionals at the National Intelligence Council, the CIA's Office of Transnational Issues, and the Office of Intelligence and Counterintelligence at the Department of Energy.

Unfortunately, this expertise is rarely used to inform energy policy debates, primarily because these agencies generally use it to produce classified assessments. This means that I can discuss them in closed sessions of the Senate Select Committee on Intelligence, but not at hearings of the Committee on Energy and Natural Resources, even though I am a member of both committees. This legislation would address this problem by requiring the Director of National Intelligence to coordinate the production of an unclassified report on the intelligence community's assessments of key energy issues that have implications for the national security of the United States. It will be up to the intelligence agencies to determine what information can safely be discussed in public, but I am confident that the Director will be able to provide Congress with a report that includes thoughtful, insightful discussion of these issues, without revealing any sensitive information or compromising any sources and methods.

This legislation is entitled the Weighing Intelligence for Smarter Energy Act, or the WISE Act for short. I think that my colleagues and the American public would agree that when it comes to protecting our national energy security, it certainly wouldn't hurt for Congress to be a little bit wiser.

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. 1613

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 ''Weighing Intelligence for Smarter Energy Act of 2007'' or the ''WISE Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The members of the intelligence community in the United States, most notably the National Intelligence Council, the Office of Intelligence and Counterintelligence of the Department of Energy, and the Office of Transnational Issues of the Central Intelligence Agency, possess substantial analytic expertise with regard to global energy issues.

(2) Energy policy debates generally do not use, to the fullest extent possible, the expertise available in the intelligence community.

SEC. 3. REPORT ON ENERGY SECURITY.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the long-term energy security of the United States.

(2) FORM OF REPORT.—The report required by subsection (a) shall be submitted in an unclassified form and may include a classified annex.

(b) CONTENT.—The report submitted pursuant to subsection (a) shall include the following:

(1) An assessment of key energy issues that have national security or foreign policy implications for the United States.

(2) An assessment of the future of world energy supplies, including the impact likely and unlikely scenarios may have on world energy supply.

(3) A description of—

(A) the policies being pursued, or expected to be pursued, by the major energy producing countries or by the major energy consuming countries, including developing countries, to include policies that utilize renewable resources for electrical and biofuel production;

(B) an evaluation of the probable outcomes of carrying out such policy options, including—

(i) the economic and geopolitical impact of the energy policy strategies likely to be pursued by such countries;

(ii) the likely impact of such strategies on the decision-making processes on major energy cartels; and

(iii) the impact of policies that utilize renewable resources for electrical and biofuel production, including an assessment of the ability of energy consuming countries to reduce dependence on oil using renewable resources, the economic, environmental, and developmental impact of an increase in biofuels production in both developed and developing countries, and the impact of an increase in biofuels production on global food supplies; and

(C) the potential impact of such outcomes on the energy security and national security of the United States.

Mr. CHAMBLISS. Mr. President, I rise today in support of the Weighing Intelligence for Smarter Energy Act, or the WISE Act. I worked with Senator WYDEN to introduce this bill and am happy to be an original cosponsor.

As a member of the Senate Select Committee on Intelligence, I see some of the most sensitive products produced by our intelligence community. The intelligence community's analysts possess an extensive and wide range of expertise on all matters which could have national security implications for the United States. However, because of the secretive nature of the intelligence community and the sensitive work which it conducts, few policymakers are privy to many of its products. In most cases, this is essential in order to protect the sensitive sources and methods used by our intelligence agencies. In other areas, including matters related to global energy security, our intelligence analysts can provide some valuable analysis at an unclassified level.

Energy policy and energy security have far reaching implications for the United States. As the country recognizes the danger of relying on imported oil, we need to develop an energy policy that is aggressive while at the same time thoughtful. Renewable fuels like ethanol and biodiesel are not the solution to our problems, but they can help reduce our dependence on imported oil from unstable regions of the world during a time of rising crude oil prices. At the same time, we must understand and be prepared for the unintended consequences of pursuing alternative fuel policies and to be sensitive to their impact on other sectors of the U.S. and global economies. Already, incentives for ethanol and biodiesel in the United States, Europe, Brazil and other developed and developing countries are forcing changes in the agriculture economy not seen in over a generation. While rising demand for alternative fuels will increase prices for agriculture commodities and benefit farmers, will this increase strain development in developing countries, in regions such as sub-Saharan Africa? We don't know yet, but these are questions we should and must ask.

We already know the impact poverty and food insecurity has on populations around the world. However, policymakers, especially here in Congress, are not realizing the full extent of information available to them. Energy policy debates usually do not harness the full expertise of the intelligence community or consider the substantive analysis they may contribute to the debate. Experts in the intelligence community may examine the effects of energy policy around the globe and the impact those decisions may have on U.S. policy. In addition, the intelligence community can provide an analysis of the impact around the world of policies that utilize renewable resources. This legislation asks for just that type of analysis.

The WISE Act asks the intelligence community to provide an intelligence

assessment on the long-term energy security of the United States. The bill requests that as much of the assessment as possible be unclassified, while taking into consideration the need to protect valuable sources and methods by including a classified portion, it is my hope that this bill will better inform energy policy. In addition to informing policymakers of the energy security of the United States, the bill will also provide important analysis on the international impact of energy policies around the world.

The WISE Act will harness fully the expertise of our intelligence community and allow policymakers to formulate more informed energy policy. I urge my colleagues to join me in supporting the bill.

By Mr. DODD (for himself and Mr. BURR):

S. 1615. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to reintroduce bipartisan legislation with my colleague from North Carolina, Senator BURR, that seeks to protect nursing home residents, staff, and visitors from the dangers associated with fire.

In February, 2003, a multi-alarm fire at a nursing home in Hartford, CT, took the lives of 16 residents. It was the worst nursing home fire in Connecticut's history. The tragic loss of life was made worse by the fact that the nursing home lacked an automatic sprinkler system, a defect disturbingly common in many nursing homes across the country.

I believe many Americans, especially those with a loved one in a nursing home facility, would be shocked to learn that, according to the Government Accountability Office between 20 and 30 percent of the country's 17,000 nursing homes lack an automatic sprinkler system. In its 2004 report, the GAO found that ''the substantial loss of life in the [Hartford fire] could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems.'' Furthermore, the report concluded that ''the Federal oversight of nursing home compliance with fire safety standards is inadequate.''

Responding to the fire in Hartford and a similar tragedy in Nashville, TN, the Center for Medicare and Medicaid Services, CMS, required that nursing homes without automatic sprinkler systems install battery-operated smoke detectors. While this new requirement was viewed as a positive step, it was largely criticized by fire and patient-safety advocates because smoke detectors are often not wired to a central alarm system or a fire department.

I believe it is safe to assume that nursing home directors do not choose freely to operate their facilities without automatic sprinkler systems. According to the GAO and the American Health Care Association, most nursing homes simply cannot afford the costs incurred by installing an automatic sprinkler system. Today, many nursing homes, including many in Connecticut, are financially strained by inadequate reimbursement rates from Medicare and Medicaid, rising insurance premiums, rising energy costs, and the general cost of care for some of our country's most vulnerable patients.

That is why Senator BURR and I are reintroducing this legislation. The Nursing Home Fire Safety Act of 2007 provides low-interest loans and grants to nursing homes in proven need of financial assistance. The larger loan initiative assists nursing homes that cannot afford the upfront costs of installing automatic sprinkler systems but can afford to pay back a low-interest Government-issued loan. The smaller grant initiative would assist qualified nursing homes that lack any ability to pay for the installation of an automatic sprinkler system. Together, these initiatives would provide critical resources to prevent tragedies like those seen in Hartford and Nashville from occurring again.

I thank my colleague from North Carolina, Senator BURR, for reintroducing this bipartisan measure with me. I also thank Congressmen JOHN LARSON from Connecticut and PETER KING from New York for spearheading companion legislation in the House. I look forward to working with all of my colleagues to protect nursing home residents, staff, and visitors from the dangers associated with fire.

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. 1615

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 ''Nursing Home Fire Safety Act of 2007''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) An estimated 1,500,000 Americans reside in approximately 16,300 nursing facilities nationwide, an estimated 20 to 30 percent of which lack an automatic fire sprinkler system.

(2) In a July 2004 report, the Government Accountability Office found that ''the substantial loss of life in [recent nursing home] fires could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems'' and that ''Federal oversight of nursing home compliance with fire safety standards is inadequate''.

(3) Many nursing facilities lack the financial capital to install sprinklers on their own and must consider closure as an alternative to taking on large loans or other financing options in order to install sprinklers.

(4) Recognizing that automatic fire sprinkler systems greatly improve the chances of survival for older adults in the event of a fire, the National Fire Protection Association, with the support of the American Health Care Association, the fire safety community, and the nursing facility profession, recently adopted requirements for automatic sprinklers in all existing nursing facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) within 5 years, every nursing facility in America should be equipped with automatic fire sprinklers in order to ensure patient, resident, and staff safety;

(2) the Centers for Medicare & Medicaid Services (CMS) should require all nursing homes to be fully sprinklered as recently required by the Life Safety Code of the National Fire Protection Association with the support of the nursing home industry, which includes the requirement that all nursing facilities be fully sprinklered; and

(3) the Centers for Medicare & Medicaid Services, in collaboration with Congress, should take into consideration the costs of retrofitting existing nursing home facilities and commit itself to providing facilities with the critical financial resources necessary to ensure the speedy and full installation of life saving sprinkler systems.

SEC. 3. DIRECT LOANS FOR FIRE SPRINKLERS RETROFITS.

(a) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a program of direct loans to existing nursing facilities to finance retrofitting the facilities with an automatic fire sprinkler system. Such loans shall be made under terms and conditions specified by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 4. SPRINKLER RETROFIT ASSISTANCE GRANTS.

(a) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a program to award grants to nursing facilities for the purposes of retrofitting them with an automatic fire sprinkler system. Such grants shall be awarded under terms and conditions specified by the Secretary.

(b) PRIORITY.—In awarding grants under this section, the Secretary shall give a priority to applications that demonstrate a need or hardship. In determining hardship, the Secretary may take into account factors such as the number of residents who are entitled to or enrolled in the medicare program under title 18 of the Social Security Act (42 U.S.C. 1395 et seq.) or receiving assistance under the medicaid program under title 19 of such Act (42 U.S.C. 1396 et seq.), the age and condition of the facility, and the need for nursing facility beds in the community involved.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. LUGAR, and Mr. OBAMA):

S. 1616. A bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, I rise today to introduce legislation that would create a Federal biodiesel mandate and improve the quality and labeling of this product.

Biodiesel fuel holds great promise to help move the United States toward energy independence. It is created by converting soybean oil, animal fats, and yellow grease and other feed stocks into transportation fuel.

Compared to petrol diesel, biodiesel burns much more cleanly. Production of biodiesel creates jobs in rural areas and makes farming more profitable. The carbon footprint of biodiesel also is superior to petrol diesel. Cars and trucks fueled by biodiesel produce fewer unburned hydrocarbons, carbon monoxide, carbon dioxide, and particulate matter.

The biodiesel industry is young but growing, and its growth is driven by the rising cost of oil and a growing awareness of the need to move toward energy independence. In 2005, the United States produced 75 million gallons of biodiesel. That number more than tripled in 2006, when the United States produced 250 million gallons of biodiesel.

By the end of this year, we expect capacity to increase to more than 1 billion gallons. More than 140 plants already produce biodiesel, and more are moving to production soon. Biodiesel fuel plants can be found all across the country, from the Corn Belt and Great Plains to the Pacific Northwest and the Mid-Atlantic.

The bipartisan bill I am introducing today with Senators GRASSLEY, CARPER, LUGAR, and OBAMA is a modest attempt to take advantage of this potential capacity and to reduce the amount of petroleum used in the 60-billion-gallon diesel fuel pool. Under this bill, over the next 5 years, the United States would blend 450 million gallons of biodiesel into diesel fuel in 2008, 625 million gallons in 2009, 800 million gallons in 2010, 1 billion gallons in 2011, and 1.25 billion gallons in 2012.

This mandate would create an incentive for the production and consumption of biodiesel and give this infant industry some market guarantees to help it achieve stability and maturity.

Many States already are moving in the direction of biodiesel mandates. My home State of Illinois has offered a biodiesel tax incentive since 2003 that has increased demand for the product, and Minnesota has had a 2-percent biodiesel mandate since 2005.

This is an environmentally friendly, home-grown fuel, and we should embrace its use. I thank Senators GRASSLEY, CARPER, LUGAR, and OBAMA for their early support and urge others in the Senate to cosponsor our legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 233—MAKING MINORITY PARTY APPOINTMENTS FOR THE SELECT COMMITTEE ON ETHICS FOR THE 110TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 233

Resolved, That the following be the minority membership on the Select Committee on Ethics for the remainder of the 110th Congress, or until their successors are appointed; Mr. Cornyn, Mr. Roberts, and Mr. Isakson.

SENATE RESOLUTION 234—DESIGNATING JUNE 15, 2007, AS ''NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY''

Mr. INHOFE (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically ''at risk'' individuals in the United States;

Whereas since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 15, 2007, as ''National Huntington's Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1528. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investigating clean, renewable, and alternative energy resources, promoting newemerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1529. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1530. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1531. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1532. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1533. Mr. MENENDEZ 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 1534. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1535. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, Mr. REED, Mr. KENNEDY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1536. Mr. KERRY (for himself, Mr. SANDERS, and Mr. DODD) 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 1537. Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1538. Mr. MCCONNELL (for Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BENNETT, Mr. CRAPO, Mr. GRAHAM, and Ms. MURKOWSKI)) proposed an amendment to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1539. Mr. AKAKA (for himself, Ms. MURKOWSKI, and Ms. SNOWE) 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 1540. Mr. CARPER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1541. Mr. SMITH (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1542. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1543. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1544. Mr. CASEY (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1545. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1546. Mr. DEMINT submitted an amendment intended to be proposed to amendment

SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1547. Mr. TESTER (for himself, Mr. BINGAMAN, Mr. REID, Ms. MURKOWSKI, Mr. STEVENS, Mr. SALAZAR, Mr. AKAKA, Mr. SANDERS, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1548. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1549. Mr. KOHL (for himself, Mr. FEINGOLD, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1550. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1551. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1552. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1553. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, supra; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1554. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, supra; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1555. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1609, supra; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1556. Mrs. LINCOLN (for herself, Mr. DOMENICI, Mr. PRYOR, Mr. CRAIG, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investigating clean, renewable, and alternative energy resources, promoting newemerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1557. Ms. KLOBUCHAR (for herself, Ms. SNOWE, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1558. Mr. OBAMA 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 1559. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1560. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1561. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1528. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, line 12, strike ''and''.

On page 126, line 13, strike the period and insert ''; and''.

On page 126, between lines 13 and 14, insert the following:

(vi) thermal behavior and life degradation mechanisms.

On page 126, strike lines 14 through 21, and insert the following:

(B) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the nanoscience centers of the Department maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

On page 127, line 5, insert ''and battery systems'' after ''batteries''.

On page 127, line 7, strike ''and''.

On page 127, line 9, strike the period and insert ''; and''.

On page 127, between lines 9 and 10, insert the following:

(G) thermal management systems.

On page 127, line 12, insert ''not more than'' before ''4''.

On page 127, lines 21 and 22, strike ''and the Under Secretary of Energy''.

Beginning on page 128, strike line 22, and all that follows through page 129, line 2 and insert the following:

(7) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this section.

(8) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under paragraph (6)—

(A) that any industrial participant that is active in a Energy Storage Research Center established under paragraph (6) related to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses and royalties on terms that are reasonable, as determined by the Secretary;

(B) that, during a 2-year period beginning on the date on which an invention is made, the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under paragraph (6);

(C) that, during the 2-year period described in subparagraph (B), the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under paragraph (6); and

(D) such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under paragraph (6) to advance the capability of the United States to successfully compete in global energy storage markets.

On page 129, line 3, strike ''(7)'' and insert ''(9)''.

On page 129, line 4, strike ''5 years'' and insert ''3 years''.

On page 129, line 8, strike ''in making'' and all that follows through the end of the paragraph and insert ''in carrying out this section.''.

On page 129, line 12, strike ''(8)'' and insert ''(10)''.

SA 1529. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, between lines 4 and 5, insert the following:

(h) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

On page 73, line 5, strike ''(h)'' and insert ''(i)''.

On page 73, line 16, strike ''(i)'' and insert ''(j)''.

SA 1530. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. PROMOTION OF ENERGY SAVINGS PERFORMANCE CONTRACTS.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (D), by inserting ''beginning on the date of the delivery order'' after ''25 years''; and

(B) by adding at the end the following:

''(E) PROMOTION OF CONTRACTS.—In carrying out this section, a Federal agency shall not—

''(i) establish a Federal agency policy that limits the maximum contract term under subparagraph (D) to a period shorter than 25 years; or

''(ii) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures.

''(F) MEASUREMENT AND VERIFICATION REQUIREMENTS FOR PRIVATE FINANCING.—

''(i) IN GENERAL.—The evaluations and savings measurement and verification required under paragraphs (1) and (3) of section 543(f) shall be used by a Federal agency to meet the requirements for—

''(I) in the case of energy savings performance contracts, the need for energy audits, calculation of energy savings, and any other evaluation of costs and savings needed to implement the guarantee of savings under this section; and

''(II) in the case of utility energy service contracts, needs that are similar to the purposes described in subclause (I).

''(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 180 days after the date of enactment of this subparagraph, each Federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.''; and

(2) by striking subsection (c).

SA 1531. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, strike line 24 and insert the following:

''under subsection (a)(1).

''(g) USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.—

''(1) ENERGY AND WATER EVALUATIONS.—Not later than 1 year after the date of enactment of this subsection, and every 3 years thereafter, each Federal agency shall complete a comprehensive energy and water evaluation for—

''(A) each building and other facility of the Federal agency that is larger than a minimum size established by the Secretary; and

''(B) any other building or other facility of the Federal agency that meets any other criteria established by the Secretary.

''(2) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, and every 3 years thereafter, each Federal agency—

''(i) shall fully implement each energy and water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that has a 15-year simple payback period; and

''(ii) may implement any energy or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (1) that has longer than a 15-year simple payback period.

''(B) PAYBACK PERIOD.—

''(i) IN GENERAL.—For the purpose of subparagraph (A), a measure shall be considered to have a 15-year simple payback if the quotient obtained under clause (ii) is less than or equal to 15.

''(ii) QUOTIENT.—The quotient for a measure shall be obtained by dividing—

''(I) the estimated initial implementation cost of the measure (other than financing costs); by

''(II) the annual cost savings from the measure.

''(C) COST SAVINGS.—For the purpose of subparagraph (B), cost savings shall include net savings in estimated—

''(i) energy and water costs; and

''(ii) operations, maintenance, repair, replacement, and other direct costs.

''(D) EXCEPTIONS.—The Secretary may modify or make exceptions to the calculation of a 15-year simple payback under this paragraph in the guidelines issued by the Secretary under paragraph (4).

''(3) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (2), each Federal agency shall carry out—

''(A) commissioning;

''(B) operations, maintenance, and repair; and

''(C) measurement and verification of energy and water savings.

''(4) GUIDELINES.—

''(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

''(i) paragraph (1) not later than 90 days after the date of enactment of this subsection; and

''(ii) paragraphs (2) and (3) not later than 180 days after the date of enactment of this subsection.

''(B) RELATIONSHIP TO FUNDING SOURCE.—The guidelines issued by the Secretary under subparagraph (A) shall be appropriate and uniform for measures funded with each type of funding made available under paragraph (8).

''(5) WEB-BASED CERTIFICATION.—

''(A) IN GENERAL.—For each building and other facility that meets the criteria established by the Secretary under paragraph (1), each Federal agency shall use a web-based tracking system to certify compliance with the requirements for—

''(i) energy and water evaluations under paragraph (1);

''(ii) implementation of identified energy and water measures under paragraph (2); and

''(iii) follow-up on implemented measures under paragraph (3).

''(B) DEPLOYMENT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall deploy the web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

''(i) the covered buildings and other facilities;

''(ii) the status of evaluations;

''(iii) the identified measures, with estimated costs and savings;

''(iv) the status of implementing the measures;

''(v) the measured savings; and

''(vi) the persistence of savings.

''(C) AVAILABILITY.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall make the web-based tracking system required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(ii) EXEMPTIONS.—At the request of a Federal agency, the Secretary may exempt specific data for specific buildings from disclosure under clause (i) for national security purposes.

''(6) BENCHMARKING OF FEDERAL FACILITIES.—

''(A) IN GENERAL.—Each Federal agency shall enter energy use data for each building and other facility of the Federal agency into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.

''(B) SYSTEM AND GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

''(i) select or develop the building energy use benchmarking system required under this paragraph for each type of building; and

''(ii) issue guidance for use of the system.

''(7) FEDERAL AGENCY SCORECARDS.—

''(A) IN GENERAL.—The Director of the Office of Management and Budget shall issue quarterly scorecards for energy management activities carried out by each Federal agency that includes—

''(i) summaries of the status of—

''(I) energy and water evaluations under paragraph (1);

''(II) implementation of identified energy and water measures under paragraph (2); and

''(III) follow-up on implemented measures under paragraph (3); and

''(ii) any other means of measuring performance that the Director considers appropriate.

''(B) AVAILABILITY.—The Director shall make the scorecards required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

''(8) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

''(B) FUNDING OPTIONS.—

''(i) IN GENERAL.—To carry out paragraphs (1) through (3), a Federal agency may use any combination of—

''(I) appropriated funds made available under subparagraph (A); and

''(II) private financing, including financing available through energy savings performance contracts or utility energy savings contracts.

''(ii) COMBINED FUNDING FOR SAME MEASURE.—A Federal agency may use any combination of appropriated funds and private financing described in clause (i) to carry out the same measure under this subsection, with proportional allocation for any energy and water savings.

''(iii) LACK OF APPROPRIATED FUNDS.—Since measures may be carried out using private financing described in clause (i), a lack of available appropriations shall not be considered a sufficient reason for the failure of a Federal agency to comply with paragraphs (1) through (3).''.

SA 1532. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, between lines 16 and 17, insert the following:

(d) APPROVAL OF HIGHER BLENDS OF ETHANOL.—Not later than 180 days after the date on which the report is submitted under subsection (c), the Administrator of the Environmental Protection Agency shall approve

the use of higher blends of ethanol fuel for use in non-flex fuel automotive vehicles that received a satisfactory review based on the components of the study under subsection (a) addressing the emissions, materials compatibility, and durability and performance of the approved higher blends of ethanol fuel in on-road and off-road engines.

SA 1533. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title II, insert the following:

SEC. 2___. DEFINITION OF STATE.

Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

''(8) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia; and

''(C) the Commonwealth of Puerto Rico.''.

SA 1534. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 17, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

On page 36, after line 22, add the following:

(b) BIOFUELS INVESTMENT TRUST FUND.—Section 932(d) of the Energy Policy Act of 2005 (42 U.S.C. 16232(d)) is amended by adding at the end the following:

''(3) BIOFUELS INVESTMENT TRUST FUND.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the 'Biofuels Investment Trust Fund' (referred to in this paragraph as the 'trust fund'), consisting of such amounts as are transferred to the trust fund under clause (ii).

''(ii) TRANSFER.—As soon as practicable after the date of enactment of this paragraph, the Secretary of the Treasury shall transfer to the trust fund, from amounts in the general fund of the Treasury, such amounts as the Secretary of the Treasury determines to be equivalent to the amounts received in the general fund as of January 1, 2007, that are attributable to duties received on articles entered under heading 9901.00.50 of the Harmonized Tariff Schedule of the United States.

''(B) INVESTMENT OF AMOUNTS.—

''(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the trust fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

''(ii) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

''(iii) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under clause (i), obligations may be acquired—

''(I) on original issue at the issue price; or

''(II) by purchase of outstanding obligations at the market price.

''(iv) SALE OF OBLIGATIONS.—Any obligation acquired by the trust fund may be sold by the Secretary of the Treasury at the market price.

''(v) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

''(C) TRANSFERS OF AMOUNTS.—

''(i) IN GENERAL.—The amounts required to be transferred to the trust fund under subparagraph (A)(ii) shall be transferred at least quarterly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury.

''(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(D) USE OF FUNDS.—

''(i) IN GENERAL.—Amounts in the trust fund shall be used to carry out the program under paragraph (1).

''(ii) TREATMENT.—Amounts in the trust fund used under clause (i) shall be in addition to, and shall not be considered to be provided in lieu of, any other funds made available to carry out this subsection.''.

SA 1535. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. DODD, Mr. KERRY, Mr. REED, Mr. KENNEDY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.

Section 10 of the Act of March 3, 1899 (33 U.S.C. 403), is amended—

(1) by striking the section heading and designation and all that follows through ''creation'' and inserting the following:

''SEC. 10. OBSTRUCTION OF NAVIGABLE WATERS; WHARVES AND PIERS; EXCAVATIONS AND FILLING IN.

''(a) IN GENERAL.—The creation''; and

(2) by adding at the end the following:

''(b) SITING, CONSTRUCTION, EXPANSION, AND OPERATION OF LNG TERMINALS.—The Secretary shall not approve or disapprove an application for the siting, construction, expansion, or operation of a liquefied natural gas terminal pursuant to this section without the express concurrence of each State affected by the application.''.

SA 1536. Mr. KERRY (for himself, Mr. SANDERS, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike the table between lines 7 and 8 and insert the following:

Calendar year:	Minimum annual percentage:
2009 through 2012	5
2013 through 2016	10
2017 through 2019	15
2020 through 2030	20

On page 3, line 2, strike ''2009'' and insert ''2008''.

SA 1537. Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) proposed an amendment to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting newemerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end, add the following:

TITLE VIII—RENEWABLE PORTFOLIO STANDARD

SEC. 801. RENEWABLE PORTFOLIO STANDARD.

(a) IN GENERAL.—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. 610. 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:
2010 through 2012	3.75
2013 through 2016	7.50
2017 through 2019	11.25
2020 through 2030	15.0

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) submitting to the Secretary renewable energy credits issued under subsection (b);

''(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (g)); or

''(C) a combination of activities described in subparagraphs (A) and (B).

''(3) SPECIAL RULE.—Nothing in this section authorizes or requires the Tennessee Valley Authority to make any capital expenditure on new generating capacity, except to the extent that budget authority for the expenditure is provided in advance in an appropriations Act.

''(b) FEDERAL RENEWABLE ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a Federal renewable energy credit trading program under which electric utilities shall submit to the Secretary renewable energy credits to certify the compliance of the electric utilities with respect to obligations under subsection (a)(1).

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue tradeable renewable energy credits to generators of electric energy from new renewable energy;

''(B) issue nontradeable renewable energy credits to generators of electric energy from existing renewable energy;

''(C) issue renewable energy credits to electric utilities associated with State renewable portfolio standard compliance mechanisms pursuant to subsection (h);

''(D) ensure that a kilowatt hour, including the associated renewable energy credit, shall be used only once for purposes of compliance with this Act;

''(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

''(F) ensure that, with respect to a purchaser that, as of the date of enactment of this section, has a purchase agreement from a renewable energy facility placed in service before that date, the credit associated with the generation of renewable energy under the contract is issued to the purchaser of the electric energy to the extent that the contract does not already provide for the allocation of the Federal credit.

''(3) DURATION.—A credit described in subparagraph (A), (B), or (C) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (a) may transfer the credits to another electric utility in the same utility holding company system.

''(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable renewable energy credit market for purposes of creating a transparent national market for the sale or trade of renewable energy credits.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance 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—

''(A) the value of the alternative compliance payment, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; or

''(B) 200 percent of the average market value of renewable energy credits during the year in which the violation occurred.

''(3) MITIGATION OR WAIVER.—

''(A) PENALTY.—

''(i) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under this subsection if the electric utility is unable to comply with subsection (a) for a reason outside of the reasonable control of the utility.

''(ii) AMOUNT.—The Secretary shall reduce the amount of any penalty determined under paragraph (2) by the 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).

''(B) REQUIREMENT.—The Secretary may waive the requirements of subsection (a) for a period of up to 5 years with respect to an electric utility if the Secretary determines that the electric utility cannot meet the requirements because of a hurricane, tornado, fire, flood, earthquake, ice storm, or other natural disaster or act of God beyond the reasonable control of the utility.

''(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) IN GENERAL.—There is established in the Treasury a State renewable energy account program.

''(2) DEPOSITS.—All money collected by the Secretary from alternative compliance payments and the assessment of civil penalties under this section shall be deposited into the renewable energy account established pursuant to this subsection.

''(3) USE.—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) ADMINISTRATION.—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) PREFERENCE.—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 rate of the alternative compliance payment under subsection (a)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) STATE PROGRAMS.—

''(1) IN GENERAL.—Nothing in this section diminishes any authority of a State or political subdivision of a State to adopt or enforce any law or regulation respecting renewable energy or the regulation of electric utilities, 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.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary, in consultation with States, shall promulgate regulations to ensure that an electric utility that is subject to the requirements of this section and is subject to a State renewable energy standard receives renewable energy credits if—

''(i) the electric utility complies with State standard by generating or purchasing renewable electric energy or renewable energy certificates or credits; or

''(ii) the State imposes or allows other mechanisms for achieving the State standard, including the payment of taxes, fees, surcharges, or other financial obligations.

''(B) AMOUNT OF CREDITS.—The amount of credits received by an electric utility under this subsection shall equal—

''(i) in the case of subparagraph (A)(i), the renewable energy resulting from the generation or purchase by the electric utility of existing renewable energy or new renewable energy; and

''(ii) in the case of subparagraph (A)(ii), the pro rata share of the electric utility, based on the contributions to the mechanism made by the electric utility or customers of the electric utility, in the State, of the renewable energy resulting from those mechanisms.

''(C) PROHIBITION ON DOUBLE COUNTING.—The regulations promulgated under this paragraph shall ensure that a kilowatt-hour associated with a renewable energy credit issued pursuant to this subsection shall not be used for compliance with this section more than once.

''(i) DEFINITIONS.—In 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 January 1, 2001, 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) that 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 January 1, 2001, 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, 2001, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas; or

''(iv) incremental hydropower; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service before January 1, 2001—

''(i) the additional energy above the average generation during the period beginning on January 1, 1998, and ending on January 1, 2001, at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas; or

''(IV) incremental hydropower; and

''(ii) 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.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 610. Federal renewable part folio standard.''.

SA 1538. Mr. MCCONNELL (for Mr. DOMENICI (for himself, Mr. CRAIG, Mr. BENNETT, Mr. CRAPO, Mr. GRAHAM, and Ms. MURKOWSKI)) proposed an amendment to be proposed to amendment SA 1537 proposed by Mr. REID (for Mr. BINGAMAN (for himself, Mr. REID, Mr. CARDIN, Mr. SALAZAR, Ms. SNOWE, and Mr. DURBIN)) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Beginning on page 1 of the amendment, line 2, strike everything after ''**TITLE**'' and insert the following:

VIII—FEDERAL CLEAN PORTFOLIO STANDARD

SEC. 801. FEDERAL CLEAN PORTFOLIO STANDARD.

(a) IN GENERAL.—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. 610. FEDERAL CLEAN PORTFOLIO STANDARD.

''(a) CLEAN 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 clean energy or existing clean 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:
2010 through 2012	5
2013 through 2016	10
2017 through 2019	15
2020 through 2030	20

''(2) MEANS OF COMPLIANCE.—An electric utility shall meet the requirements of paragraph (1) by—

''(A) submitting to the Secretary clean energy credits issued under subsection (b);

''(B) making alternative compliance payments to the Secretary at the rate of 2 cents per kilowatt hour (as adjusted for inflation under subsection (g)); or

''(C) a combination of activities described in subparagraphs (A) and (B).

''(3) SPECIAL RULE.—Nothing in this section authorizes or requires the Tennessee Valley Authority to make ''any capital expenditure on new generating capacity, except to the extent that budget authority for the expenditure is provided in advance in an appropriations Act''.

''(b) CLEAN ENERGY CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Secretary shall establish a clean energy credit trading program under which electric utilities shall submit to the Secretary clean energy credits to certify the compliance of the electric utilities with respect to obligations under subsection (a)(1).

''(2) ADMINISTRATION.—As part of the program, the Secretary shall—

''(A) issue tradeable clean energy credits to generators of electric energy from new clean energy;

''(B) issue nontradeable clean energy credits to generators of electric energy from existing clean energy;

''(C) issue clean energy credits to electric utilities associated with State portfolio standard compliance mechanisms pursuant to paragraph (6);

''(D) ensure that a kilowatt hour, including the associated clean energy credit, shall be used only once for purposes of compliance with this Act;

''(E) allow double credits for generation from facilities on Indian land, and triple credits for generation from small renewable distributed generators (meaning those no larger than 1 megawatt); and

''(F) ensure that, with respect to a purchaser that, as of the date of enactment of this section, has a purchase agreement from a clean energy facility placed in service before that date, the credit associated with the generation of clean energy under the contract is issued to the purchaser of the electric energy, to the extent that the contract does not already provide for the allocation of the credit.

''(3) DURATION.—A credit described in subparagraph (A), (B), or (C) of paragraph (2) may only be used for compliance with this section during the 3-year period beginning on the date of issuance of the credit.

''(4) TRANSFERS.—An electric utility that holds credits in excess of the quantity of credits needed to comply with subsection (a) may transfer the credits to another electric utility in the same utility holding company system.

''(5) DELEGATION OF MARKET FUNCTION.—The Secretary may delegate to an appropriate market-making entity the administration of a national tradeable clean energy credit market for purposes of creating a transparent national market for the sale or trade of clean energy credits.

''(6) CREDIT FOR STATE ALTERNATIVE COMPLIANCE PAYMENTS AND OTHER FINANCIAL COMPLIANCE MECHANISMS.—

''(A) IN GENERAL.—In the case of an electric utility subject to a State portfolio standard program that requires the generation of electricity from clean energy and makes alternative compliance payments under the program in satisfaction of applicable State requirements or complies by other financial mechanisms, the Secretary shall issue clean energy credits to the electric utility in an amount that corresponds to the amount of the State alternative compliance payment or other financial compliance mechanism as though that payment or mechanism had been made to the Secretary under this subsection.

''(B) APPLICATION.—A clean energy credit issued under subparagraph (A) may be—

''(i) applied against the required annual percentage of an electric utility; or

''(ii) transferred for use only by an associate company of the electric utility.

''(c) ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any electric utility that fails to meet the compliance 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—

''(A) the value of the alternative compliance payment, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; or

''(B) 200 percent of the average market value of clean energy credits during the year in which the violation occurred.

''(3) PROCEDURE FOR ASSESSING PENALTY.—Subject to subsection (h)(2), 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 CLEAN ENERGY ACCOUNT PROGRAM.—

''(1) IN GENERAL.—There is established in the Treasury a State clean energy account program.

''(2) DEPOSITS.—All money collected by the Secretary from the sale of clean energy credits, the provision of alternative compliance payments, and the assessment of civil penalties under this section shall be deposited into the clean energy account established pursuant to this subsection.

''(3) TRANSFER.—Amounts deposited in the State clean energy account shall be transferred, subject to appropriations, to the State in which the amounts were collected.

''(4) USE.—Amounts transferred to a State under paragraph (3) shall be used by the State for the purposes of promoting clean energy production, including programs that promote technologies that reduce the use of electricity at customer sites.

''(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 rate of alternative compliance payments under subsection (a)(2)(B) and the amount of the civil penalty per kilowatt-hour under subsection (c)(2).

''(h) WAIVER.—

''(1) IN GENERAL.—The Secretary may waive the compliance requirements of subsection (a) with respect to an electric utility if the Secretary determines that the electric utility cannot meet the requirements for reason of force majeure in effect on any date after the date that is 5 years before the date of enactment of this section.

''(2) CIVIL PENALTIES.—

''(A) IN GENERAL.—The Secretary may mitigate or waive a civil penalty under subsection (c) if the electric utility was unable to comply with subsection (a) for reasons outside of the reasonable control of the utility in effect after the date of enactment of this section.

''(B) AMOUNT OF REDUCTION.—The Secretary shall reduce the amount of any penalty determined under subsection (c)(2) by an amount paid by the electric utility to a State for failure to comply with the requirement of a State clean energy program.

''(i) GOVERNOR CERTIFICATION.—On submission by the Governor of a State to the Secretary of a notification that the State has in effect, and is enforcing, a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard under this section, the State may elect not to participate in the program under this section.

''(j) DEFINITIONS.—In 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);

''(B) electricity generated through the incineration of municipal solid waste; and

''(C) except as provided in paragraph (9), electricity generated from nuclear power.

''(2) DEMAND RESPONSE.—The term 'demand response' means a reduction in electricity usage by end-use customers as compared to the normal consumption patterns of the customers, or shifts in electric usage by end-use customers from on-peak hours of an electric utility to off-peak hours of an electric utility that do not result in increased usage, in response to an incentive payment or a program to reduce electricity use at any time at which—

''(A) wholesale market prices are high; or

''(B) system reliability is jeopardized.

''(3) DISTRIBUTED GENERATION FACILITY.—The term 'distributed generation facility' means a facility at a customer site.

''(4) ENERGY EFFICIENCY.—The term 'energy efficiency' means—

''(A) demand response; or

''(B) the use of less energy in homes, buildings, or industry through methods such as the installation of more efficient equipment, appliances, or other technologies to achieve the same level of function or economic activity achieved on the date of enactment of this section.

''(5) EXISTING CLEAN ENERGY.—The term 'existing clean energy' means, except as provided in paragraph (9)(B), electric energy generated at a facility (including a distributed generation facility) placed in service prior to January 1, 2001, from solar, wind, or geothermal energy, ocean energy, biomass (as defined in section 203(a) of the Energy Policy Act of 2005 (42 U.S.C. 15852(a))), or landfill gas.

''(6) 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).

''(7) 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) that 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.

''(8) INCREMENTAL HYDROPOWER.—The term 'incremental hydropower' means additional energy generated as a result of efficiency improvements or capacity additions made on or after January 1, 2001, or the effective date of an existing applicable State clean 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.

''(9) NEW CLEAN ENERGY.—The term 'new clean energy' means—

''(A) electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2001, from—

''(i) solar, wind, or geothermal energy or ocean energy;

''(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(iii) landfill gas;

''(iv) new hydropower that does not require the construction of any dam;

''(v) new nuclear generation;

''(vi) a fuel cell;

''(vii) energy efficiency or demand response as result of programs conducted by the electric utility, as measured and verified by a method acceptable to the Secretary;

''(viii) an inherently low-emission technology that captures and stores carbon; or

''(ix) such other clean energy sources as the Secretary determines, by regulation, will advance the goals of this section; and

''(B) for electric energy generated at a facility (including a distributed generation facility) placed in service before January 1, 2001—

''(i) the additional energy above the average generation during the period beginning on January 1, 1998, and ending on January 1, 2001, at the facility from—

''(I) solar or wind energy or ocean energy;

''(II) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b));

''(III) landfill gas;

''(IV) incremental hydropower; or

''(V) nuclear generation; or

''(ii) incremental geothermal production.

''(10) OCEAN ENERGY.—The term 'ocean energy' includes current, wave, tidal, and thermal energy.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. prec. 2601) is amended by adding at the end of the items relating to title VI the following:

''Sec. 610. Federal clean portfolio standard.''.

SA 1539. Mr. AKAKA (for himself, Ms. MURKOWSKI, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—MARINE AND HYDROKINETIC RENEWABLE ENERGY PROMOTION

SEC. __01. DEFINITION.

For purposes of this title, the term ''marine and hydrokinetic renewable energy'' means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize non-mechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

The term shall not include energy from any source that utilizes a dam, diversionary structure, or impoundment for electric power purposes, except as provided in paragraph (3).

SEC. __02. RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary of Energy, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research focused on—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in consultation with the Secretary of Commerce and the Secretary of the Interior, the environmental impacts of marine and hydrokinetic renewable energy technologies and ways to address adverse impacts, and providing public information concerning technologies and other means available for monitoring and determining environmental impacts; and

(7) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. __03. ADAPTIVE MANAGEMENT AND ENVIRONMENTAL FUND.

(a) FINDINGS.—The Congress finds that—

(1) the use of marine and hydrokinetic renewable energy technologies can avoid contributions to global warming gases, and such technologies can be produced domestically;

(2) marine and hydrokinetic renewable energy is a nascent industry; and

(3) the United States must work to promote new renewable energy technologies that reduce contributions to global warming gases and improve our country's domestic energy production in a manner that is consistent with environmental protection, recreation, and other public values.

(b) ESTABLISHMENT.—The Secretary of Energy shall establish an Adaptive Management and Environmental Fund, and shall lend amounts from that fund to entities described in subsection (f) to cover the costs of projects that produce marine and hydrokinetic renewable energy. Such costs include design, fabrication, deployment, operation, monitoring, and decommissioning costs. Loans under this section may be subordinate to project-related loans provided by commercial lending institutions to the extent the Secretary of Energy considers appropriate.

(c) REASONABLE ACCESS.—As a condition of receiving a loan under this section, a recipient shall provide reasonable access, to Federal or State agencies and other research institutions as the Secretary considers appropriate, to the project area and facilities for the purposes of independent environmental research.

(d) PUBLIC AVAILABILITY.—The results of any assessment or demonstration paid for, in whole or in part, with funds provided under this section shall be made available to the public, except to the extent that they contain information that is protected from disclosure under section 552(b) of title 5, United States Code.

(e) REPAYMENT OF LOANS.—

(1) IN GENERAL.—The Secretary of Energy shall require a recipient of a loan under this section to repay the loan, plus interest at a rate of 2.1 percent per year, over a period not to exceed 20 years, beginning after the commercial generation of electric power from the project commences. Such repayment shall be required at a rate that takes into account the economic viability of the loan recipient and ensures regular and timely repayment of the loan.

(2) BEGINNING OF REPAYMENT PERIOD.—No repayments shall be required under this subsection until after the project generates net proceeds. For purposes of this paragraph, the term ''net proceeds'' means proceeds from the commercial sale of electricity after payment of project-related costs, including taxes and regulatory fees that have not been paid using funds from a loan provided for the project under this section.

(3) TERMINATION.—Repayment of a loan made under this section shall terminate as of the date that the project for which the loan was provided ceases commercial generation of electricity if a governmental permitting authority has ordered the closure of the facility because of a finding that the project has unacceptable adverse environmental impacts, except that the Secretary shall require a loan recipient to continue making loan repayments for the cost of equipment, obtained using funds from the loan that have not otherwise been repaid under rules established by the Secretary, that is utilized in a subsequent project for the commercial generation of electricity.

(f) ADAPTIVE MANAGEMENT PLAN.—In order to receive a loan under this section, an applicant for a Federal license or permit to construct, operate, or maintain a marine or hydrokinetic renewable energy project shall provide to the Federal agency with primary jurisdiction to issue such license or permit an adaptive management plan for the proposed project. Such plan shall—

(1) be prepared in consultation with other parties to the permitting or licensing proceeding, including all Federal, State, municipal, and tribal agencies with authority under applicable Federal law to require or recommend design or operating conditions, for protection, mitigation, and enhancement of fish and wildlife resources, water quality, navigation, public safety, land reservations, or recreation, for incorporation into the permit or license;

(2) set forth specific and measurable objectives for the protection, mitigation, and enhancement of fish and wildlife resources, water quality, navigation, public safety, land reservations, or recreation, as required or recommended by governmental agencies described in paragraph (1), and shall require monitoring to ensure that these objectives are met;

(3) provide specifically for the modification or, if necessary, removal of the marine or hydrokinetic renewable energy project based on findings by the licensing or permitting agency that the marine or hydrokinetic renewable energy project has not attained or will not attain the specific and measurable objectives set forth in paragraph (2); and

(4) be approved and incorporated in the Federal license or permit.

(g) SUNSET.—The Secretary of Energy shall transmit a report to the Congress when the Secretary of Energy determines that the technologies supported under this title have achieved a level of maturity sufficient to enable the expiration of the programs under this title. The Secretary of Energy shall not make any new loans under this section after the report is transmitted under this subsection.

SEC. __04. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.

The Secretary of Commerce and the Secretary of the Interior shall, in cooperation with the Federal Energy Regulatory Commission and the Secretary of Energy, and in consultation with appropriate State agencies, jointly prepare programmatic environmental impact statements which contain all the elements of an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), regarding the impacts of the deployment of marine and hydrokinetic renewable energy technologies in the navigable waters of the United States. One programmatic environmental impact statement shall be prepared under this section for each of the Environmental Protection Agency regions of the United States. The agencies shall issue the programmatic environmental impact statements under this section not later than 18 months after the date of enactment of this Act. The programmatic environmental impact statements shall evaluate among other things the potential impacts of site selection on fish and wildlife and related habitat. Nothing in this section shall operate to delay consideration of any application for a license or permit for a marine and hydrokinetic renewable energy technology project.

SA 1540. Mr. CARPER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Minerals Management Service.

(2) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Director.

(b) STUDY.—The Director, in cooperation with an eligible institution, as selected by the Director, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) REPORT.—Upon completion of the study under subsection (b), the Director shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Director;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SA 1541. Mr. SMITH (for himself, Ms. CANTWELL, Ms. MURKOWSKI, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, insert the following:

SEC. 131. NATIONAL OCEAN ENERGY RESEARCH CENTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (d), the Secretary shall establish not less than 1, and not more than 6, national ocean energy research centers at institutions of higher education for the purpose of conducting research, development, demonstration, and testing of ocean energy technologies and associated equipment.

(b) EVALUATIONS.—Each Center shall (in consultation with developers, utilities, and manufacturers) conduct evaluations of technologies and equipment described in subsection (a).

(c) LOCATION.—In establishing centers under this section, the Secretary shall locate the centers in coastal regions of the United State in a manner that, to the maximum extent practicable, is geographically dispersed.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriate such sums as are necessary to carry out this section.

SA 1542. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. AGRICULTURAL BYPRODUCT USE EXPOSITION.

The Secretary of Agriculture shall establish a program under which the Secretary of Agriculture shall develop, solicit applications for participation in, advertise, and host, at such location as the Secretary determines to be appropriate, an exposition at which entities can demonstrate new products, such as plastics, carpets, disposable dishes, and cosmetics, produced by the entities from agricultural byproducts.

SA 1543. Mr. BAYH (for himself, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. COLEMAN, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 262, line 16, strike ''(8)'' and insert ''(16)''.

On page 262, strike lines 17 and 18, and insert the following:

''(17) 'E85' means a fuel blend containing 85 percent ethanol and 15 percent gasoline by volume.

''(18) 'flexible fuel automobile' means—

''(A) a GEM flex fuel vehicle; or

''(B) a vehicle warranted by the manufacturer to operate on biodiesel.

''(19) 'GEM flex fuel vehicle' means a motor vehicle warranted by the manufacturer to operate on gasoline and E85 and M85.

''(20) 'M85' means a fuel blend containing 85 percent methanol and 15 percent gasoline by volume.''.

SA 1544. Mr. CASEY (for himself and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—ENERGY SECURITY AND CORPORATE ACCOUNTABILITY

SEC. 801. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''Energy Security and Corporate Accountability Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 802. REVALUATION OF LIFO INVENTORIES OF MAJOR INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)) for its last taxable year ending in calendar year 2006, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 45K.

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

SEC. 803. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)) to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign

country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 804. 7-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) (relating to special rule for major integrated oil companies) is amended by striking ''5-year'' and inserting ''7-year''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 805. SUSPENSION OF ROYALTY RELIEF.

(a) REPEALS.—Sections 344 and 345 of the Energy Policy Act of 2005 (42 U.S.C. 15904, 15905) are repealed.

(b) TERMINATION OF ALASKA OFFSHORE ROYALTY SUSPENSION.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking ''and in the Planning Areas offshore Alaska''.

SEC. 806. NATIONAL ENERGY SECURITY RESEARCH AND INVESTMENT RESERVE.

(a) ESTABLISHMENT.—For budgetary purposes, for each fiscal year, an amount equal to the total net amount of savings to the Federal Government for the fiscal year resulting from the amendments made by sections 802, 803, 804, and 805, as determined by the Secretary of the Treasury, shall be held in a separate account in the Treasury of the United States, to be known as the ''National Energy Security Research and Investment Reserve'' (referred to in this section as the ''Reserve'').

(b) USE.—Of the amounts in the Reserve—

(1) 50 percent shall be available to offset the cost of legislation enacted after the date of enactment of this Act to carry out energy research in the United States, including research relating to—

(A) ethanol, and

(B) biodiesel, and

(2) 50 percent shall be available to offset the cost of legislation enacted after the date of enactment of this Act to carry out the development, purchase, and installation of infrastructure (including new fueling pumps, retrofitting of existing fueling pumps, and equipment necessary for the transportation of biofuels) necessary to deliver new fuels to consumers.

(c) PROCEDURE FOR ADJUSTMENTS.—

(1) BUDGET COMMITTEE CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment to the bill or joint resolution or the submission of a conference report for the bill or joint resolution, providing funding for the purposes described in subsection (b) in excess of the amounts provided for those purposes for fiscal year 2007, the chairman of the Committee on the Budget of the applicable House of Congress shall make the adjustments required under paragraph (2) for the amount of new budget authority and outlays in the measure and the outlays flowing from that budget authority.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget,

(B) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), and

(C) the budget aggregates contained in the appropriate concurrent resolution on the budget as required by section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)).

(3) AMOUNTS OF ADJUSTMENTS.—The adjustments referred to in paragraphs (1) and (2) shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to sections 802, 803, 804, and 805 (and the amendments made by such sections) for the fiscal year in which the adjustments are made.

SA 1545. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 7 through 11 and insert the following:

(B) implementation of the requirement would significantly increase the price of agricultural food products or livestock feed products;

(C) implementation of the requirement would have a significantly detrimental impact on the deliverability of materials, goods, and products (other than renewable fuel), by rail or truck; or

(D) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

SA 1546. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATIONS ON LEGISLATION THAT WOULD INCREASE NATIONAL AVERAGE FUEL PRICES FOR AUTOMOBILES.

(a) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average fuel price for automobiles, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average fuel price for automobiles.

(3) LEGISLATION.—In this section the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

SA 1547. Mr. TESTER (for himself, Mr. BINGAMAN, Mr. REID, Ms. MURKOWSKI, Mr. STEVENS, Mr. SALAZAR, Mr. AKAKA, Mr. SANDERS, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—GEOTHERMAL ENERGY

SEC. 801. SHORT TITLE.

This title may be cited as the ''National Geothermal Initiative Act of 2007''.

SEC. 802. FINDINGS.

Congress finds that—

(1) domestic geothermal resources have the potential to provide vast amounts of clean, renewable, and reliable energy to the United States;

(2) Federal policies and programs are critical to achieving the potential of those resources;

(3) Federal tax policies should be modified to appropriately support the longer lead-times of geothermal facilities and address the high risks of geothermal exploration and development;

(4) sustained and expanded research programs are needed—

(A) to support the goal of increased energy production from geothermal resources;

(B) to develop and demonstrate the potential for geothermal heat exchange technologies for heating, cooling, and energy efficiency; and

(C) to develop the technologies that will enable commercial production of energy from more geothermal resources;

(5) a comprehensive national resource assessment is needed to support policymakers and industry needs;

(6) a national exploration and development technology and information center should be established to support the achievement of increased geothermal energy production; and

(7) implementation and completion of geothermal and other renewable initiatives on public land in the United States is critical, consistent with the principles and requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law.

SEC. 803. NATIONAL GOAL.

Congress declares that it shall be a national goal to achieve at least 15 percent of total electrical energy production in the United States from geothermal resources by not later than 2030.

SEC. 804. DEFINITIONS.

In this title:

(1) INITIATIVE.—The term ''Initiative'' means the national geothermal initiative established by section 805(a).

(2) NATIONAL GOAL.—The term ''national goal'' means the national goal of increased energy production from geothermal resources described in section 803.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 805. NATIONAL GEOTHERMAL INITIATIVE.

(a) ESTABLISHMENT.—There is established a national geothermal initiative under which the Federal Government shall seek to achieve the national goal.

(b) FEDERAL SUPPORT AND COORDINATION.—In carrying out the Initiative, each Federal agency shall give priority to programs and efforts necessary to support achievement of the national goal to the extent consistent with applicable law.

(c) ENERGY AND INTERIOR GOALS.—

(1) IN GENERAL.—In carrying out the Initiative, the Secretary and the Secretary of the Interior shall establish and carry out policies and programs—

(A) to characterize the complete geothermal resource base (including engineered geothermal systems) of the United States by not later than 2010;

(B) to sustain an annual growth rate in the use of geothermal power, heat, and heat pump applications of at least 10 percent;

(C) to demonstrate state-of-the-art energy production from the full range of geothermal resources in the United States;

(D) to achieve new power or commercial heat production from geothermal resources in at least 25 States;

(E) to develop the tools and techniques to construct an engineered geothermal system power plant; and

(F) to deploy geothermal heat exchange technologies in Federal buildings for heating, cooling, and energy efficiency.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Secretary and the Secretary of the Interior shall jointly submit to the appropriate Committees of Congress a report that describes—

(A) the proposed plan to achieve the goals described in paragraph (1); and

(B) a description of the progress during the period covered by the report toward achieving those goals.

(d) GEOTHERMAL RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of geothermal research, development, demonstration, outreach and education, and commercial application to support the achievement of the national goal.

(2) REQUIREMENTS OF PROGRAM.—In carrying out the geothermal research program described in paragraph (1), the Secretary shall—

(A) prioritize funding for the discovery and characterization of geothermal resources;

(B) expand funding for cost-shared drilling;

(C)(i) establish, at a national laboratory or university research center selected by the Secretary, a national geothermal exploration research and information center;

(ii) support development and application of new exploration and development technologies through the center; and

(iii) in cooperation with the Secretary of the Interior, disseminate geological and geophysical data to support geothermal exploration activities through the center;

(D) support cooperative programs with and among States, including with the Great Basin Center for Geothermal Energy, the Intermountain West Geothermal Consortium, and other similar State and regional initiatives, to expand knowledge of the geothermal resource base of the United States and potential applications of that resource base;

(E) improve and advance high-temperature and high-pressure drilling, completion, and instrumentation technologies benefiting geothermal well construction;

(F) demonstrate geothermal applications in settings that, as of the date of enactment of this Act, are noncommercial;

(G) research, develop, and demonstrate engineered geothermal systems techniques for commercial application of the technologies, including advances in—

(i) reservoir stimulation;

(ii) reservoir characterization, monitoring, and modeling;

(iii) stress mapping;

(iv) tracer development;

(v) 3-dimensional tomography; and

(vi) understanding seismic effects of deep drilling and reservoir engineering;

(H) support the development and application of the full range of geothermal technologies and applications; and

(I)(i) study the potential to apply geothermal heat exchange technologies to new and existing Federal buildings; and

(ii) in cooperation with the Administrator of General Services, develop and carry out 2 demonstration projects with geothermal heat exchange technologies, of which—

(I) 1 project shall involve the construction of a new Federal building; and

(II) 1 project shall involve the renovation of an existing Federal building.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection—

(A) $75,000,000 for fiscal year 2008;

(B) $110,000,000 for each of fiscal years 2009 through 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

(e) GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.—

(1) INTERIOR.—In carrying out the Initiative, the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey, shall, not later than 2010—

(i) conduct and complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(ii) submit to the appropriate committees of Congress a report describing the results of the assessment; and

(B) in planning and leasing, shall consider the national goal established under this title.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

(A) $15,000,000 for fiscal year 2008;

(B) $25,000,000 for each of fiscal years 2009 to 2012; and

(C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

SEC. 806. INTERMOUNTAIN WEST GEOTHERMAL CONSORTIUM.

Section 237 of the Energy Policy Act of 2005 (42 U.S.C. 15874) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $5,000,000 for each of fiscal years 2008 through 2013; and

''(2) such sums as are necessary for each of fiscal years 2014 through 2020.''.

SEC. 807. INTERNATIONAL MARKET SUPPORT FOR GEOTHERMAL ENERGY DEVELOPMENT.

(a) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—The United States Agency for International Development, in coordination with other appropriate Federal and multilateral agencies, shall support international and regional development to promote the use of geothermal resources, including (as appropriate) the African Rift Geothermal Development Facility.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The United States Trade and Development Agency shall support the Initiative by—

(1) encouraging participation by United States firms in actions taken to carry out subsection (a); and

(2) providing grants and other financial support for feasibility and resource assessment studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 808. ALASKA GEOTHERMAL CENTER.

(a) IN GENERAL.—The Secretary may participate in a consortium described in subsection (b) to address science and science policy issues relating to the expanded discovery and use of geothermal energy, including geothermal energy generated from geothermal resources on public land.

(b) ADMINISTRATION.—The consortium referred to in subsection (a) shall—

(1) be known as the ''Alaska Geothermal Center'';

(2) be a regional consortium of institutions and government agencies that focuses on building collaborative efforts among—

(A) institutions of higher education in the State of Alaska;

(B) other regional institutions of higher education; and

(C) State agencies;

(3) include—

(A) the Energy Authority of the State of Alaska;

(B) the Denali Commission established by section 303 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277); and

(C) the University of Alaska-Fairbanks;

(4) be hosted and managed by the University of Alaska-Fairbanks; and

(5) have—

(A) a director appointed by the head of the Energy Authority of the State of Alaska; and

(B) associate directors appointed by each participating institution.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.

SA 1548. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, after line 23, insert the following:

''(3) LEGISLATIVE BRANCH FLEET.—The Architect of the Capitol shall comply with the requirements of paragraph (1) with respect to the fleet of vehicles under the control of the legislative branch, subject to a waiver for security reasons which shall be submitted in writing to the appropriate oversight committees of Congress.

SA 1549. Mr. KOHL (for himself, Mr. FEINGOLD, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. USE OF HIGHLY ENERGY EFFICIENT COMMERCIAL WATER HEATING EQUIPMENT IN FEDERAL BUILDINGS.

(a) IN GENERAL.—Title 40, United States Code is amended—

(1) by redesignating sections 3313 through 3315 as sections 3314 through 3316, respectively; and

(2) by inserting after section 3312 the following:

''SEC. 3313. USE OF HIGHLY ENERGY-EFFICIENT COMMERCIAL WATER HEATING EQUIPMENT IN FEDERAL BUILDINGS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(2) HIGHLY ENERGY-EFFICIENT COMMERCIAL WATER HEATER.—The term 'highly energy-efficient commercial water heater' means a commercial water heater that—

''(A) meets applicable standards for water heaters under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

''(B) if installed in a public building, would (as determined by the Administrator) enable the public building to achieve the Leadership in Energy and Environmental Design green building rating standard identified as silver by the United States Green Building Council; or

''(C) has thermal efficiencies of not less than—

''(i) 90 percent for gas units with inputs of a rate that is not higher than 500,000 British thermal units per hour; or

''(ii) 87 percent for gas units with inputs of a rate that is higher than 500,000 British thermal units per hour.

''(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each commercial water heater that is replaced by the Administrator in the normal course of maintenance, or determined by the Administrator to be replaceable to generate substantial energy savings, shall be replaced, to the maximum extent feasible (as determined by the Administrator) with a highly energy-efficient commercial water heater.

''(c) CONSIDERATIONS.—In making a determination under this section relating to the installation of a highly energy-efficient commercial water heater, the Administrator shall consider—

''(1) the life-cycle cost effectiveness of the highly energy-efficient commercial water heater;

''(2) the compatibility of the highly energy-efficient commercial water heater with equipment that, on the date on which the Administrator makes the determination, is installed in the public building; and

''(3) whether the use of the highly energy-efficient commercial water heater could interfere with the productivity of any activity carried out in the public building.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date that is 180 days after the date of enactment of this Act.

SA 1550. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—WISE ACT OF 2007

SEC. 801. SHORT TITLE.

This title may be cited as the ''Weighing Intelligence for Smarter Energy Act of 2007'' or the ''WISE Act of 2007''.

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) The members of the intelligence community in the United States, most notably the National Intelligence Council, the Office of Intelligence and Counterintelligence of the Department of Energy, and the Office of Transnational Issues of the Central Intelligence Agency, possess substantial analytic expertise with regard to global energy issues.

(2) Energy policy debates generally do not use, to the fullest extent possible, the expertise available in the intelligence community.

SEC. 803. REPORT ON ENERGY SECURITY.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the long-term energy security of the United States.

(2) FORM OF REPORT.—The report required by subsection (a) shall be submitted in an unclassified form and may include a classified annex.

(b) CONTENT.—The report submitted pursuant to subsection (a) shall include the following:

(1) An assessment of key energy issues that have national security or foreign policy implications for the United States.

(2) An assessment of the future of world energy supplies, including the impact likely and unlikely scenarios may have on world energy supply.

(3) A description of—

(A) the policies being pursued, or expected to be pursued, by the major energy producing countries or by the major energy consuming countries, including developing countries, to include policies that utilize renewable resources for electrical and biofuel production;

(B) an evaluation of the probable outcomes of carrying out such policy options, including—

(i) the economic and geopolitical impact of the energy policy strategies likely to be pursued by such countries;

(ii) the likely impact of such strategies on the decision-making processes on major energy cartels; and

(iii) the impact of policies that utilize renewable resources for electrical and biofuel production, including an assessment of the ability of energy consuming countries to reduce dependence on oil using renewable resources, the economic, environmental, and developmental impact of an increase in biofuels production in both developed and developing countries, and the impact of an increase in biofuels production on global food supplies; and

(C) the potential impact of such outcomes on the energy security and national security of the United States.

SA 1551. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. FEDERAL STANDBY POWER STANDARD.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—

(A) IN GENERAL.—The term ''Agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(B) INCLUSIONS.—The term ''Agency'' includes military departments, as the term is defined in section 102 of title 5, United States Code.

(2) ELIGIBLE PRODUCT.—The term ''eligible product'' means a commercially available, off-the-shelf product that—

(A)(i) uses external standby power devices; or

(ii) contains an internal standby power function; and

(B) is included on the list compiled under subsection (d).

(b) FEDERAL PURCHASING REQUIREMENT.—Subject to subsection (c), if an Agency purchases an eligible product, the Agency shall purchase—

(1) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

(2) if an eligible product described in paragraph (1) is not available, the eligible product with the lowest available standby power

wattage in the standby power consuming mode of the eligible product.

(c) LIMITATION.—The requirements of subsection (b) shall apply to a purchase by an Agency only if—

(1) the lower-wattage eligible product is—

(A) lifecycle cost-effective; and

(B) practicable; and

(2) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

(d) ELIGIBLE PRODUCTS.—The Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of subsection (b).

SA 1552. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike paragraph (2)(A) of section 4(b) and insert the following:

(A) An offshore aquaculture permit holder shall be—

(i) a citizen or resident of the United States; or

(ii a corporation, partnership, or other entity organized and existing under the laws of a State or the United States.

SA 1553. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike subparagraph (C) of section 4(a)(1) and insert the following:

(C) procedures for evaluating and minimizing the potential adverse environmental, socio-economic, and cultural impacts of offshore aquaculture, including the establishment of permit conditions;

Strike paragraph (2) of section 4(a) and insert the following:

(2) The Secretary shall prepare a programmatic environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the development and operation of offshore aquaculture facilities. The environmental impact statement required by this paragraph shall be in addition to, and not to the exclusion of, the application of that Act to other aspects of any offshore aquaculture program established under this Act, including with respect to the issuance of individual permits.

In section 4(A)(4) strike ''aquaculture, to the extent necessary.'' and insert ''aquaculture.''.

Strike subparagraphs (E) and (F) of section 4(a)(4) and insert the following:

(E) requirements that marine species propagated and reared through offshore aquaculture be species of the local genotype native to the geographic regions; and

(F) maintaining record systems to track inventory and movement of fish or other marine species propagated and reared through offshore aquaculture, and, to the maximum extent practicable, tagging, marking or otherwise identifying such fish or other species.

Strike ''Subject to the provisions of subsection (e),'' in section 4(b) and insert ''Subject to the other provisions of this Act and rulemaking under this Act,''.

SA 1554. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1609, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

Strike section 5 and insert the following:

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary, in consultation with other Federal agencies, coastal States, regional fishery management councils, academic institutions and other interested stakeholders shall establish and conduct a research and development program to further marine aquaculture technologies that are compatible with the protection of marine ecosystems.

(b) COMPONENTS.—The program shall include research to reduce the use of wild fish in offshore aquaculture feeds, engineering innovations to reduce the environmental impacts of offshore aquaculture facilities, nonharmful measures for avoiding interactions with marine mammals, methods for minimizing the use of antibiotics, and improvements in environmental monitoring techniques.

(c) ELIGIBLE ENTITIES.—The Secretary may conduct research and development in partnership with offshore aquaculture permit holders.

SA 1555. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1609, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation; as follows:

At the appropriate place, insert the following:

SEC. ___. NO FINFISH AQUACULTURE SEAWARD OF ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may not issue a permit for finfish acquaculture in Alaska's seaward portion of the Exclusive Economic Zone offshore of Alaska.

(b) ALASKA'S SEAWARD PORTION OF THE EXCLUSIVE ECONOMIC ZONE.—

(1) IN GENERAL.—In this section, the term ''Alaska's seaward portion of the Exclusive Economic Zone'' shall be determined by extending the seaward boundary (as defined in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b))) of Alaska seaward to the edge of the Exclusive Economic Zone.

(B) LIMITATION.—Nothing in paragraph (1) shall be construed to give Alaska any right, title, authority, or jurisdiction over that portion of the Exclusive Economic Zone described in paragraph (1).

SA 1556. Mrs. LINCOLN (for herself Mr. DOMENICI, Mr. PRYOR, Mr. CRAIG, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ANIMAL WASTE.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) a purpose of this Act is to promote, through consistent policy incentives, the increased commercial use of renewable energy technologies;

(B) the underlying technologies promoted by those policies include biomass, and specifically animal manure as important renewable energy supplies;

(C) stores of that useful animal agriculture byproduct—

(i) are available in all regions of the United States; and

(ii) could be used to help diversify the energy generation needs of the United States;

(D) expanded commercial adoption of the technologies described in subparagraph (B) could contribute to the essential reduction over time of United States reliance on fossil fuels for the predominant supply of our energy generation needs;

(E) the marketplace has been affected by regulatory uncertainty stemming from misinterpretations of punitive, strict, joint, and severable liability regulatory schemes originally formed for purposes of environmental regulation and recovery of damages from industrial pollutants and toxic waste;

(F) those regulatory schemes specifically exclude from punitive liability petroleum and petroleum byproducts;

(G) the uncertainty regarding livestock and poultry manure threatens to undermine Federal policy objectives and taxpayer-backed incentives to promote renewable energy production from those sources; and

(H) misapplication of punitive regulatory schemes threatens to erode commercial and financial market investment to implement the objectives and incentives described in subparagraph (G).

(2) PURPOSE.—The purpose of this section is to provide policy and market certainty by clarifying that the regulatory scheme under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is not intended to cover the application, transportation, or storage of livestock manure or poultry litter.

(b) AMENDMENT OF SUPERFUND.—Title III of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9651 et seq.) is amended by adding at the end the following:

"SEC. 313. EXCEPTION FOR MANURE.

''(a) DEFINITION OF MANURE.—In this section, the term 'manure' means—

''(1) digestive emissions, feces, urine, urea, and other excrement from livestock (as defined in section 10403 of the Farm Security

and Rural Investment Act of 2002 (7 U.S.C. 8302));

''(2) any associated bedding, compost, raw materials, or other materials commingled with such excrement from livestock (as so defined);

''(3) any process water associated with any item referred to in paragraph (1) or (2); and

''(4) any byproduct, constituent, or substance contained in or originating from, or any emission relating to, an item described in paragraph (1), (2), or (3).

''(b) EXEMPTION.—Upon the date of enactment of this section, manure shall not be included in the meaning of—

''(1) the term 'hazardous substance', as defined in section 101(14); or

''(2) the term 'pollutant or contaminant', as defined in section 101(33).

''(c) EFFECT ON OTHER LAW.—Nothing with respect to the enactment of this subsection shall—

''(1) impose any liability under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) with respect to manure;

''(2) abrogate or otherwise affect any provision of the Air Quality Agreement entered into between the Administrator and operators of animal feeding operations (70 Fed. Reg. 4958 (January 31, 2005)); or

''(3) affect the applicability of any other environmental law as such a law relates to—

''(A) the definition of manure; or

''(B) the responsibilities or liabilities of any person regarding the treatment, storage, or disposal of manure.''.

(c) AMENDMENT OF SARA.—Section 304(a)(4) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11004(a)(4)) is amended—

(1) by striking ''This section'' and inserting the following:

''(A) IN GENERAL.—This section''; and

(2) by adding at the end the following:

''(B) MANURE.—The notification requirements under this subsection do not apply to releases associated with manure (as defined in section 313 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980).''.

SA 1557. Ms. KLOBUCHAR (for herself, Ms. SNOWE, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting, new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle D—National Greenhouse Gas Registry

SEC. 161. PURPOSE.

The purpose of this subtitle is to establish a national greenhouse gas registry that—

(1) is complete, consistent, transparent, and accurate; and

(2) will provide reliable and accurate data that can be used by public and private entities to design efficient and effective energy security initiatives and greenhouse gas emission reduction strategies.

SEC. 162. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AFFECTED FACILITY.—

(A) IN GENERAL.—The term ''affected facility'' means—

(i) a major emitting facility (as listed in section 169 of the Clean Air Act (42 U.S.C. 7479));

(ii) a petroleum refinery;

(iii) a coal mine that produces more than 10,000 short tons of coal during calendar year 2004 or any subsequent calendar year;

(iv) a natural gas processing plant;

(v) an importer of refined petroleum products, residual fuel oil, petroleum coke, liquefied petroleum gas, coal, coke, or natural gas (including liquefied natural gas);

(vi) a facility that imports or manufactures a greenhouse gas, including a facility that—

(I) imports or manufactures hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, or nitrous oxide, or a product containing any of those gases;

(II) emits nitrous oxide associated with the manufacture of adipic acid or nitric acid; or

(III) emits hydrofluorocarbon-23 as a byproduct of hydrochlorofluorocarbon-22; and

(vii) any other facility that emits a greenhouse gas, as determined by the Administrator.

(B) EXCLUSIONS.—The term ''affected facility'' does not include any small business (as described in part 121 of title 13, Code of Federal Regulations (or a successor regulation)) that generates fewer than 10,000 metric tons of greenhouse gas emissions during a calendar year, or a facility below the thresholds established by the Administrator under section 165(b)(9), unless that small business or facility elects to voluntarily report to the registry under section 163 as an affected facility.

(3) CARBON CONTENT.—The term ''carbon content'' means the quantity of carbon (in carbon dioxide equivalent) contained in a fuel.

(4) FEEDSTOCK FOSSIL FUEL.—The term ''feedstock fossil fuel'' means fossil fuel used as raw material in a manufacturing process.

(5) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons;

(F) sulfur hexafluoride; and

(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to climate change.

(6) PROCESS EMISSIONS.—The term ''process emissions'' means emissions generated during a manufacturing process.

SEC. 163. REPORTING REQUIREMENTS.

(a) IN GENERAL.—An affected facility shall—

(1) report the quantity and type of fossil fuels and non-carbon dioxide greenhouse gases produced, refined, imported, exported, and consumed;

(2) report greenhouse gas emissions (in accordance with section 164(a)(1)(C)), in metric tons of each greenhouse gas emitted and in metric tons of carbon dioxide equivalent of each greenhouse gas emitted, measured using monitoring systems for fuel flow or emissions that use—

(A) continuous emission monitoring; or

(B) an equivalent system of comparable rigor, accuracy, and quality;

(3) report the quantity and type of—

(A) feedstock fossil fuel consumption; and

(B) process emissions;

(4) report other data necessary for accurate accounting of greenhouse gas emissions, as determined by the Administrator;

(5) include an appropriate certification, as determined by the Administrator; and

(6) report the information required under this section electronically to the Administrator in such form and to such extent as may be required by the Administrator.

(b) VERIFICATION OF REPORT REQUIRED.—Before including the information from a report required under this section in the registry, the Administrator shall verify the completeness and accuracy of the report using information provided under this section or under other provisions of law.

(c) TIMING.—

(1) CALENDAR YEARS 2004 THROUGH 2007.—For a baseline period of calendar years 2004 through 2007, each affected facility shall submit required annual data described in this section to the Administrator not later than March 31, 2009.

(2) SUBSEQUENT CALENDAR YEARS.—For subsequent calendar years, each affected facility shall submit quarterly data described in this section to the Administrator not later than 30 days after the end of the applicable quarter.

(d) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this title affects any requirement in effect as of the date of enactment of this Act relating to reporting of—

(1) fossil fuel production, refining, importation, exportation, or consumption data;

(2) greenhouse gas emission data; or

(3) other relevant data.

SEC. 164. DATA QUALITY AND VERIFICATION.

(a) PROTOCOLS AND METHODS.—

(1) IN GENERAL.—The Administrator shall establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on fossil fuel production, refining, importation, exportation, and consumption, and greenhouse gas emissions submitted to the registry that include—

(A) accounting and reporting standards for fossil fuel production, refining, importation, exportation, and consumption;

(B) standardized methods for calculating carbon content or greenhouse gas emissions in specific industries from other readily available and reliable information, such as fuel consumption, materials consumption, production data, or other relevant activity data;

(C) standardized methods of monitoring greenhouse gas emissions (along with information on the accuracy of the data) for cases in which the Administrator determines that rigorous and accurate monitoring is feasible;

(D) methods to avoid double-counting of greenhouse gas emissions;

(E) protocols to prevent an affected facility from avoiding the reporting requirements of this title; and

(F) protocols for verification of data submitted by affected facilities.

(2) BEST PRACTICES.—The protocols and methods developed under paragraph (1) shall conform, to the maximum extent practicable, to the best practices available to ensure accuracy and consistency of the data.

(b) VERIFICATION; INFORMATION BY REPORTING ENTITIES.—Each affected facility shall—

(1) provide information sufficient for the Administrator to verify, in accordance with the protocols and methods developed under subsection (a), that the fossil fuel data and greenhouse gas emission data of the affected facility have been completely and accurately reported; and

(2) ensure the submission or retention, for the 5-year period beginning on the date of provision of the information, of data sources, information on internal control activities, information on assumptions used in reporting emissions and fuels, uncertainty analyses, and other relevant data and information to facilitate the verification of reports submitted to the registry.

(c) WAIVER OF REPORTING REQUIREMENTS.—The Administrator may waive reporting requirements for specific facilities if sufficient data are available under other provisions of law.

(d) MISSING DATA.—If information, satisfactory to the Administrator, is not provided for an affected facility, the Administrator shall prescribe methods that create incentives for accurate reporting to estimate emissions for the facility for each quarter for which data are missing.

SEC. 165. NATIONAL GREENHOUSE GAS REGISTRY.

(a) ESTABLISHMENT.—The Administrator (in consultation with the Secretary of Energy, the Secretary of Commerce, States, the private sector, and nongovernmental organizations) shall establish a mandatory national greenhouse gas registry.

(b) ADMINISTRATION.—The Administrator shall—

(1) design and operate the registry;

(2) establish an advisory body with that is broadly representative of industry, agriculture, environmental groups, and State and local governments to guide the development and management of the registry;

(3) provide coordination and technical assistance for the development of proposed protocols and methods to be published by the Administrator;

(4) develop forms for reporting under guidelines established under section 164(a)(1), and make the forms available to reporting entities;

(5) verify and audit the data submitted by reporting entities;

(6) establish consistent policies for calculating carbon content, expressed in units of carbon dioxide equivalent, for each type of fossil fuel reported under section 163;

(7) calculate carbon content, in units of carbon dioxide equivalent, of fossil fuel data reported by reporting entities;

(8) ensure coordination, to the maximum extent practicable, between the national greenhouse gas registry and greenhouse gas registries in existence as of the date of the coordination;

(9) establish, as soon as practicable after the date of enactment of this Act, threshold levels of greenhouse gas emissions from a facility, or sector-specific production levels at a facility, that require reporting under section 163 such that, at a minimum, the registry shall cover 80 percent of the human-induced greenhouse gas emissions in the United States; and

(10) publish on the Internet all information contained in the registry, except in any case in which publishing the information would result in a disclosure of—

(A) information vital to national security, as determined by the Administrator; or

(B) confidential business information that cannot be derived from information that is otherwise publicly available and that would cause significant calculable competitive harm if published.

(c) THIRD-PARTY VERIFICATION.—The Administrator may ensure that reports required under section 163 are certified by a third-party entity.

(d) REGULATIONS.—The Administrator shall—

(1) propose regulations to carry out this title not later than 180 days after the date of enactment of this Act; and

(2) promulgate final regulations to carry out this title not later than December 31, 2008.

(e) REPORT TO CONGRESS.—Not later than 180 days after the date on which reporting is required under this title, the Administrator shall submit to Congress a report that describes the need for harmonization of legal requirements within the United States relating to greenhouse gas reporting.

SEC. 166. ENFORCEMENT.

(a) CIVIL ACTIONS.—The Administrator may bring a civil action in United States district court against the owner or operator of an affected facility that fails to comply with this title.

(b) PENALTY.—Any person that violates this title shall be subject to a civil penalty of not more than $25,000 for each day the violation continues.

SA 1558. Mr. OBAMA submitted an amendment intended to be proposed to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE __—HEALTH CARE FOR HYBRIDS

SEC. __00. FINDINGS.

Congress makes the following findings:

(1) More than 50 percent of the oil consumed in the United States is imported.

(2) If present trends continue, foreign oil will represent 68 percent of the oil consumed in the United States by 2025.

(3) The United States has only 3 percent of the world's known oil reserves and the Nation's economic health is dependent on world oil prices.

(4) World oil prices are overwhelmingly dictated by other countries, which endangers the economic and national security of the United States.

(5) A major portion of the world's oil supply is controlled by unstable governments and countries that are known to finance, harbor, or otherwise support terrorists and terrorist activities.

(6) American automakers have lagged behind their foreign competitors in producing hybrid and other energy-efficient automobiles.

(7) Legacy health care costs associated with retiree workers are an increasing burden on the global competitiveness of American industries.

(8) Innovative uses of new technology in automobiles manufactured in the United States will—

(A) help retain American jobs;

(B) support health care obligations for retiring workers in the automotive sector;

(C) decrease our Nation's dependence on foreign oil; and

(D) address pressing environmental concerns.

Subtitle A—Retired Employee Health Benefits Reimbursement Program

SEC. __01. COORDINATING TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of the Treasury shall establish a task force (referred to in this title as the ''task force'') to administer the program established under section __02 (referred to in this title as the ''program'').

(b) MEMBERSHIP.—The task force shall be composed representatives of the departments headed by the officials referred to in subsection (a), who shall be appointed by such officials in equal numbers.

SEC. __02. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the task force shall establish a program to reimburse eligible domestic automobile manufacturers for the costs incurred in providing health benefits to their retired employees. The task force shall determine compliance with the assurances under subsection (c)(4) through accepted measurements of fuel savings.

(b) CONSULTATION.—In establishing the program, the task force shall consult with representatives from—

(1) eligible domestic automobile manufacturers;

(2) unions representing employees of such manufacturers; and

(3) consumer and environmental groups.

(c) ELIGIBILITY REQUIREMENTS.—A domestic automobile manufacturer seeking reimbursement under the program shall—

(1) submit an application to the task force at such time, in such manner, and containing such information as the task force shall require;

(2) certify that such manufacturer is providing full health care coverage to all of its employees;

(3) provide assurances to the task force that the manufacturer will invest, in an amount equal to not less than 50 percent of the amount saved by the manufacturer through the reimbursement of its retiree health care costs under the program, in—

(A) the domestic manufacture and commercialization of petroleum fuel reduction technologies, including alternative or flexible fuel vehicles, hybrids, and other state-of-the-art fuel saving technologies;

(B) retraining workers and retooling assembly lines for the activities described in subparagraph (A);

(C) researching, developing, designing, and commercializing high-performance, fuel-efficient vehicles, and other activities related to diversifying the domestic production of automobiles; and

(D) assisting domestic automobile component suppliers to retool their domestic manufacturing plants to produce components for petroleum fuel reduction technologies, including alternative or flexible fuel vehicles and hybrid, advanced diesel, and other state-of-the-art fuel saving technologies; and

(4) provide assurances to the task force that average adjusted fuel economy savings achieved under paragraph (3) will not result in fuel economy decreases in other automobiles manufactured in the United States; and

(5) provide additional assurances and information as the task force may require, including information needed by the task force to audit the manufacturer's compliance with the requirements of the program.

(d) LIMITATION.—Not more than 10 percent of the annual retiree health care costs of any domestic automobile manufacturer may be reimbursed under the program in any year.

(e) TERMINATION OF PROGRAM.—The program shall terminate on December 31, 2017.

SEC. __03. REPORTING.

(a) REIMBURSEMENT REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the task force shall submit a report to Congress that—

(1) identifies the reimbursements paid under the program; and

(2) describes the changes in the manufacture and commercialization of fuel saving technologies implemented by automobile manufacturers as a result of such reimbursements.

(b) CONSUMER INCENTIVES.—Not later than 1 year after the date of the enactment of this Act, the task force shall submit a report to Congress that—

(1) indicates the effectiveness of financial incentives available to consumers for the

purchase of hybrid vehicles in encouraging such purchases; and

(2) recommends whether such incentives should be expanded.

SEC. __04. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary in each of fiscal years 2008 through 2018 to carry out this subtitle.

Subtitle B—Tax Provisions

SEC. __11. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (p) as subsection (q); and

(2) by inserting after subsection (o) the following:

''(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A):

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTION WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. __12. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.

(a) IN GENERAL.—Subchapter A of chapter 68 of the Internal Revenue Code of 1986 is amended by inserting after section 6662A the following:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(p)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(p)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) of the Internal Revenue Code of 1986 is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A), by inserting ''and a noneconomic substance transaction understatement'' after ''reportable transaction understatement'',

(C) in paragraph (2)(B), by inserting ''6662B or'' before ''6663'',

(D) in paragraph (2)(C)(i), by inserting ''or section 6662B'' before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting ''and section 6662B'' after ''This section'',

(F) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

(G) by adding at the end the following new paragraph:

''(3) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Paragraph (2) of section 6707A(e) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6662A the following:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. __13. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) of the Internal Revenue Code of 1986 (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''; and

(2) by inserting ''and noneconomic substance transactions'' after ''transactions''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SA 1559. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, develop greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle F—Energy-Related Regulatory Reform

SEC. 281. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Nuclear Regulatory Commission.

(3) FEDERAL ENERGY AUTHORIZATION.—

(A) IN GENERAL.—The term ''Federal energy authorization'' means any authorization required under Federal law (including regulations), regardless of whether the law is administered by a Federal or State administrative agency or official, with respect to the siting, construction, expansion, or operation of an energy facility, including—

(i) a coal-fired electric generating plant;

(ii) a nuclear power electric generating plant;

(iii) a natural gas-fired electric generating plant;

(iv) a waste-to-energy facility;

(v) a geothermal electric generating facility;

(vi) a wind or solar electric generating facility;

(vii) a petroleum refinery;

(viii) a biorefinery;

(ix) a biogas conversion unit;

(x) a shale-oil production site; or

(xi) an oil or gas exploration and production lease.

(B) INCLUSIONS.—The term ''Federal energy authorization'' includes any permit, special use authorization, certification, opinion, or other approval required under Federal law (including regulations) with respect to the siting, construction, expansion, or operation of an energy facility referred to in subparagraph (A).

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Environmental Protection Agency shall act as the lead agency for the purposes of coordinating all Federal energy authorizations and related environmental reviews.

(2) EXCEPTION.—In the case of a nuclear power electric generating facility, the Nuclear Regulatory Commission shall act as the lead agency for purposes of coordinating all Federal nuclear energy authorizations.

(3) OTHER AGENCIES.—Each Federal or State agency or official required to provide a Federal energy authorization shall cooperate with the Administrator or the Chairperson, as applicable, including by complying with any applicable deadline relating to the Federal energy authorization established by the Administrator or Chairperson under subsection (c).

(c) SCHEDULE.—

(1) AUTHORITY OF ADMINISTRATOR.—The Administrator shall establish a schedule for all Federal energy authorizations as the Administrator determines to be appropriate—

(A) to ensure expeditious completion of all proceedings relating to Federal energy authorizations; and

(B) to accommodate any applicable related schedules established by Federal law (including regulations).

(2) AUTHORITY OF CHAIRPERSON.—The Chairperson shall collaborate with the Administrator to establish an appropriate schedule for all environmental authorizations required with respect to facilities described in subsection (b)(2) that—

(A) takes into consideration the longer lead time required by the permitting process for nuclear power electric generating facilities; and

(B) allows for simultaneous environmental and security reviews of potential sites to provide for joint authorization of the sites by the Administrator and the Chairperson.

(3) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official fails to complete a proceeding for any approval required for a Federal energy authorization in accordance with the schedule established under paragraph (1) or (2), any affected applicant for the Federal energy authorization may seek judicial review of the failure under subsection (e).

(d) CONSOLIDATED RECORD.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator, in cooperation with Federal and State administrative agencies and officials, shall maintain a complete consolidated record of all decisions made and all actions carried out by the Administrator or a Federal or State administrative agency or officer with respect to any Federal energy authorization.

(2) EXCEPTION.—The Chairperson, in cooperation with the Administrator and other Federal and State administrative agencies and officials, shall maintain a complete consolidated record of all decisions made and all actions carried out by the Commissioner or a Federal or State administrative agency or officer with respect to any Federal authorization of a nuclear power electric generating facility.

(3) TREATMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the records under paragraphs (1) and (2) shall serve as the record for a decision or action for purposes of judicial review of the decision or action under subsection (e).

(B) EXCEPTION.—If the United States Court of Appeals for the District of Columbia determines that a record under paragraph (1) or (2) contains insufficient information, the court may remand the proceeding to the Administrator for development of the record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action by a Federal or State administrative agency or official relating to a Federal energy authorization; or

(B) an alleged failure to act by a Federal or State administrative agency or official with respect to a Federal energy authorization.

(2) REMAND.—

(A) IN GENERAL.—The court shall remand a proceeding to the applicable agency or official in any case in which the court determines under paragraph (1) that—

(i)(I) an order or action described in paragraph (1)(A) is inconsistent with the Federal law applicable to the Federal energy authorization;

(II) a failure to act described in paragraph (1)(B) has occurred; or

(III) a Federal or State administrative agency or official failed to meet an applicable deadline under subsection (c) with respect to a Federal energy authorization; and

(ii) the order, action, or failure to act would prevent the siting, construction, expansion, or operation of an energy facility referred to in subsection (a)(2)(A).

(B) SCHEDULE.—On remand of an order, action, or failure to act under subparagraph (A), the court shall establish a reasonable schedule and deadline for the agency or official to act with respect to the remand.

(3) ACTION BY LEAD AGENCY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for any civil action brought under this subsection, the Administrator shall promptly file with the court the consolidated record compiled by the Administrator pursuant to subsection (d)(1).

(B) EXCEPTION.—For any civil action brought under this subsection with respect to a nuclear power electric generating facility, the Chairperson shall promptly file with the court the consolidated record compiled by the Chairperson pursuant to subsection (d)(2).

(4) EXPEDITED CONSIDERATION.—The Court shall provide expedited consideration of any civil action brought under this subsection.

(5) ATTORNEY'S FEES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in any action challenging a Federal energy authorization that has been granted, reasonable attorney's fees and other expenses of the litigation shall be awarded to the prevailing party.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any action seeking a remedy for—

(i) denial of a Federal energy authorization; or

(ii) failure to act on an application for a Federal energy authorization.

SEC. 282. ENERGY SECURITY AND REGULATORY REFORM.

(a) ENERGY-RELATED REGULATORY REFORM.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8241 et seq.) is amended by adding at the end the following:

"PART 5—ENERGY-RELATED REGULATORY REFORM

"SEC. 571. DEFINITIONS.

''In this part:

''(1) ADVISORY COMMITTEE.—The term 'advisory committee' means an advisory committee established under section 572(a).

''(2) APPLICABLE AGENCY.—The term 'applicable agency' means any Federal department or agency that, during the 10-year period ending on the date on which an advisory committee is established, promulgated a major rule.

''(3) BENEFIT.—The term 'benefit', with respect to a rule, means any reasonably identifiable, significant, and favorable effect (whether quantifiable or unquantifiable), including a social, health, safety, environmental, economic, energy, or distributional effect, that is expected to result, directly or indirectly, from the implementation of, or compliance with, the rule.

''(4) COST.—The term 'cost', with respect to a rule, means any reasonably identifiable and significant adverse effect (whether quantifiable or unquantifiable), including a social, health, safety, environmental, economic, energy, or distributional effect, that is expected to result, directly or indirectly, from the implementation of, or compliance with, the rule.

''(5) ENERGY RULE.—The term 'energy rule' means a major rule that has a direct impact on the production, distribution, or consumption of energy, as determined by the Secretary of Energy.

''(6) FLEXIBLE REGULATORY OPTION.—

''(A) IN GENERAL.—The term 'flexible regulatory option' means an option at a point in the regulatory process that provides flexibility to any person subject to an applicable rule with respect to complying with the rule.

''(B) INCLUSION.—The term 'flexible regulatory option' includes any option described in subparagraph (A) that uses—

''(i) a market-based mechanism;

''(ii) an outcome-oriented, performance-based standard; or

''(iii) any other option that promotes flexibility, as determined by the head of the applicable agency.

''(7) MAJOR RULE.—The term 'major rule' means a rule or group of closely related rules—

''(A) the reasonably quantifiable increased direct and indirect costs of which are likely to have a gross annual effect on the United States economy of at least $100,000,000, or that has a significant impact on a sector of the economy, as determined by—

''(i) the head of the agency proposing the rule; or

''(ii) the President (or a designee); or

''(B) that is otherwise designated as a major rule by the head of the agency proposing the rule or the President (or a designee), based on a determination that the rule is likely to result in—

''(i) a substantial increase in costs for—

''(I) consumers;

''(II) an industrial sector;

''(III) nonprofit organizations;

''(IV) any Federal, State, or local governmental agency; or

''(V) a geographical region;

''(ii) a significant adverse effect on—

''(I) competition, employment, investment, productivity, innovation, health, safety, or the environment; or

''(II) the ability of enterprises with principal places of business in the United States to compete in domestic or international markets;

''(iii) a serious inconsistency or interference with an action carried out or planned to be carried out by another Federal agency;

''(iv) the material alteration of the budgetary impact of—

''(I) entitlements, grants, user fees, or loan programs; or

''(II) the rights and obligations of recipients of such a program; or

''(v) disproportionate costs to a class of regulated persons, including relatively severe economic consequences for that class.

''(8) RULE.—

''(A) IN GENERAL.—The term 'rule' has the meaning given the term in section 551 of title 5, United States Code.

''(B) INCLUSION.—The term 'rule' includes any statement of general applicability that alters or creates a right or obligation of a person not employed by the applicable regulatory agency.

''(C) EXCLUSIONS.—The term 'rule' does not include—

''(i) a rule of particular applicability that approves or prescribes—

''(I) future rates, wages, prices, services, corporate or financial structures, reorganizations, mergers, acquisitions, or accounting practices; or

''(II) any disclosure relating to an item described in subclause (I);

''(ii) a rule relating to monetary policy or to the safety or soundness of an institution (including any affiliate, branch, agency, commercial lending company, or representative office of the institution (within the meaning of the International Banking Act of 1956 (12 U.S.C. 1841 et seq.)) that is—

''(I) a federally-insured depository institution or any affiliate of such an institution (as defined in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k));

''(II) a credit union;

''(III) a Federal home loan bank;

''(IV) a government-sponsored housing enterprise;

''(V) a farm credit institution; or

''(VI) a foreign bank that operates in the United States; or

''(iii) a rule relating to—

''(I) the payment system; or

''(II) the protection of—

''(aa) deposit insurance funds; or

''(bb) the farm credit insurance fund.

"SEC. 572. ADVISORY COMMITTEES FOR ENERGY RULES.

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this part, and every 5 years thereafter, the head of each applicable agency shall establish an advisory committee to review all energy rules promulgated by the applicable agency during the 10-calendar-year period ending on the date on which the advisory committee is established.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The head of an applicable agency shall appoint not more than 15 members to serve on an advisory committee.

''(2) REQUIREMENT.—In appointing members to serve on an advisory committee under paragraph (1), the head of the applicable agency shall ensure that the membership of the advisory committee reflects a balanced cross-section of public and private parties affected by energy rules issued by the applicable agency, including—

''(A) small businesses;

''(B) units of State and local government; and

''(C) public interest groups.

''(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of an advisory committee appointed under paragraph (1) shall not be an employee of the applicable agency for which the advisory committee is established.

''(c) TERM; VACANCIES.—

''(1) TERM.—A member shall be appointed for the life of an advisory committee.

''(2) VACANCIES.—A vacancy on an advisory committee—

''(A) shall not affect the powers of the advisory committee; and

''(B) shall be filled in the same manner as the original appointment was made.

''(d) CHAIRPERSON; PANELS.—The head of an applicable agency—

''(1) shall select a Chairperson from among the members of an advisory committee; and

''(2) may establish such panels as the head determines to be necessary to assist an advisory committee in carrying out duties of the advisory committee.

''(e) DUTIES.—

''(1) IN GENERAL.—An advisory committee shall review all energy rules promulgated by the applicable agency for which the advisory committee is established during the 10-calendar-year period ending on the date on which the advisory committee is established, in accordance with section 573.

''(2) PUBLIC PARTICIPATION.—An advisory committee shall solicit public comment with respect to energy rules reviewed by the advisory committee through appropriate means, including—

''(A) hearings;

''(B) written comments;

''(C) public meetings; and

''(D) electronic mail.

''(f) TRAVEL EXPENSES.—A member of an advisory committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the advisory committee.

''(g) TERMINATION.—An advisory committee shall terminate on the date that is 5 years after the date on which the advisory committee is established.

"SEC. 573. REVIEW OF ENERGY RULES.

''(a) LIST.—

''(1) IN GENERAL.—An advisory committee shall develop a list describing each energy rule promulgated during the preceding 10-year period by the applicable agency for which the advisory committee is established that, as determined by the advisory committee—

''(A) should be reviewed by the head of the applicable agency; and

''(B) reasonably could be subject to such a review during the 5-calendar-year period beginning on the date on which the energy rule is included on the list.

''(2) FACTORS FOR CONSIDERATION.—In developing a list under paragraph (1), an advisory committee shall take into consideration—

''(A) the cost of an energy rule with respect to energy production or energy efficiency of any individual or entity subject to the energy rule;

''(B) the extent to which an energy rule could be revised to substantially increase net benefits of the energy rule, including through flexible regulatory options;

''(C) the relative importance of an energy rule, as compared to other energy rules considered for inclusion on the list; and

''(D) the discretion of the applicable agency under an applicable authorizing law or regulation to modify or repeal the energy rule.

''(3) SUBMISSION.—Not later than 1 year after the date on which an advisory committee is established and annually thereafter, the advisory committee shall submit

to the head of the applicable agency for which the advisory committee is established the list developed under paragraph (1), with each energy rule represented on the list in descending order of importance, in accordance with the priority assigned to review of the energy rule by the advisory committee.

''(4) ACTION BY APPLICABLE AGENCY.—As soon as practicable after receipt of a list under paragraph (3), the head of an applicable agency shall—

''(A) publish the list in the Federal Register; and

''(B) submit to Congress a copy of the list.

''(b) SCHEDULES FOR REVIEW.—

''(1) PRELIMINARY SCHEDULE.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a list under subsection (a)(3), the head of an applicable agency shall develop and publish in the Federal Register a preliminary schedule for review by the applicable agency of the energy rules included on the list, including an explanation for each modification of the list by the applicable agency.

''(B) NOTICE AND COMMENT.—The head of an applicable agency shall provide notice and an opportunity for public comment on a preliminary schedule for a period of not less than 60 days after the date of publication of the preliminary schedule under subparagraph (A).

''(2) FINAL SCHEDULE.—

''(A) IN GENERAL.—Not later than 60 days after the date of expiration of the applicable comment period under paragraph (1)(B), the head of the applicable agency shall develop and publish in the Federal Register a final schedule for review of the energy rules by the applicable agency.

''(B) CONTENTS.—

''(i) IN GENERAL.—A final schedule under subparagraph (A) shall include a deadline by which the applicable agency shall review each energy rule included on the list.

''(ii) REQUIREMENT.—A deadline described in clause (i) shall be not later than 5 years after the date of publication of the final schedule.

''(3) REQUIREMENT.—In developing a preliminary or final schedule under this subsection, the head of an applicable agency—

''(A) shall defer, to the maximum extent practicable, to the recommendations of the advisory committee; but

''(B) may modify the list of the advisory committee, taking into consideration—

''(i) the factors described in subsection (a)(2); and

''(ii) any limitation on resources or authority of the applicable agency.

''(c) REVIEW.—

''(1) REQUIRED PUBLICATIONS.—For each energy rule included on the final schedule of an applicable agency under subsection (b)(2), the head of the applicable agency shall publish in the Federal Register—

''(A) not later than the date that is 2 years before the deadline applicable to the energy rule under the final schedule, a notice that solicits public comment regarding whether the energy rule should be continued in effect, modified, or repealed;

''(B) not later than the date that is 1 year before the deadline applicable to the energy rule under the final schedule, a notice that—

''(i) addresses public comments received as a result of the notice under subparagraph (A);

''(ii) contains a preliminary analysis by the applicable agency relating to the energy rule;

''(iii) contains a preliminary determination of the applicable agency regarding whether the energy rule should be continued in effect, modified, or repealed; and

''(iv) solicits public comment on that preliminary determination; and

''(C) not later than the date that is 60 days before the deadline applicable to the energy rule under the final schedule, a final notice relating to the energy rule that—

''(i) addresses public comments received as a result of the notice under subparagraph (B);

''(ii) contains—

''(I) a determination of the applicable agency regarding whether to continue in effect, modify, or repeal the energy rule; and

''(II) an explanation of the determination; and

''(iii) if the applicable agency determines to modify or repeal the energy rule, a notice of proposed rulemaking under section 553 of title 5, United States Code, as applicable.

''(2) DETERMINATIONS.—

''(A) IN GENERAL.—Not later than the deadline applicable to an energy rule under the final schedule under subsection (b)(2), the head of the applicable agency shall make a determination—

''(i) to continue the energy rule in effect;

''(ii) to modify the energy rule; or

''(iii) to repeal the energy rule.

''(B) CONTINUING IN EFFECT.—A determination by the head of an applicable agency under subparagraph (A)(i) to continue an energy rule in effect—

''(i) shall be published in the Federal Register; and

''(ii) shall be considered to be a final agency action effective beginning on the date that is 60 days after the date of publication of the determination.

''(C) MODIFICATION OR REPEAL.—On a determination by the head of an applicable agency to modify or repeal an energy rule under clause (ii) or (iii) of subparagraph (A), the applicable agency shall complete final agency action with respect to the modification or repeal by not later than 2 years after the deadline applicable to the energy rule under the final schedule under subsection (b)(2).

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—No preliminary or final schedule under this section shall be subject to judicial review.

''(2) DETERMINATION TO CONTINUE IN EFFECT.—

''(A) DEFINITION OF REASONABLE ALTERNATIVE.—

''(i) IN GENERAL.—In this paragraph, the term 'reasonable alternative', with respect to an option at a point in the regulatory process, means an option that—

''(I) would achieve the purpose of the applicable rule; and

''(II) the head of the applicable Federal agency has the authority to elect.

''(ii) INCLUSION.—The term 'reasonable alternative' includes a flexible regulatory option.

''(B) ACTION BY COURT.—A court of competent jurisdiction may remand a determination to continue an energy rule in effect under subsection (c)(2)(B) only on clear and convincing evidence that a reasonable alternative was available to the energy rule.

''(3) FAILURE TO ACT.—A failure of the head of an applicable agency to carry out an action required under this section shall be subject to judicial review only as provided in section 706(1) of title 5, United States Code.

''(e) EFFECT OF SECTION.—

''(1) IN GENERAL.—Nothing in this section limits the discretion of an applicable agency, on making a determination described in clause (ii) or (iii) of subsection (c)(2)(A), to elect not to modify or repeal the applicable energy rule.

''(2) TREATMENT.—An election of an applicable agency described in paragraph (1) shall be considered to be a final agency action for purposes of judicial review.

''SEC. 574. PROSPECTIVE CONSIDERATION OF ENERGY RULES.

''(a) DETERMINATION.—

''(1) IN GENERAL.—In promulgating any rule, the head of an applicable agency shall determine whether the rule is an energy rule.

''(2) TREATMENT.—The head of an applicable agency may determine under paragraph (1) that a set of related rules proposed to be promulgated by the applicable agency shall be considered to be an energy rule.

''(b) REGULATORY IMPACT ANALYSIS.—

''(1) IN GENERAL.—In promulgating an energy rule, the head of an applicable agency shall prepare—

''(A) by not later than the date that is 60 days before the date of publication of notice of the proposed rulemaking, a preliminary regulatory impact analysis relating to the energy rule; and

''(B) a final regulatory impact analysis relating to the energy rule, which shall be submitted together with the final energy rule by not later than the date that is 30 days before the date of publication of the final energy rule.

''(2) CONTENTS.—A preliminary or final regulator impact analysis relating to an energy rule under paragraph (1) shall contain—

''(A) a description of the potential benefits of the energy rule, including a description of—

''(i) any beneficial effects that cannot be quantified in monetary terms; and

''(ii) an identification of individuals and entities likely to receive the benefits;

''(B) an explanation of the necessity, legal authority, and reasonableness of the energy rule together with a description of the condition that the energy rule is intended to address;

''(C) a description of the potential costs of the energy rule, including a description of—

''(i) any costs that cannot be quantified in monetary terms; and

''(ii) an identification of the individuals and entities likely to bear the costs;

''(D)(i) an analysis of any alternative approach, including market-based mechanisms, that could substantially achieve the regulatory goal of the energy rule at a lower cost; and

''(ii) an explanation of the reasons why the alternative approach was not adopted, together with a demonstration that the energy rule provides the least-costly approach with respect to the regulatory goal;

''(E)(i) an analysis of the benefits and costs of the energy rule to the national energy supply and national energy security; and

''(ii) an explanation in any case in which the energy rule will cause undue harm to the energy stability of any region;

''(F) a statement that, as applicable—

''(i) the energy rule does not conflict with, or duplicate, any other rule; or

''(ii) describes the reasons why such a conflict or duplication exists; and

''(G) a statement that describes whether the energy rule will require—

''(i) any onsite inspection; or

''(ii) any individual or entity—

''(I) to maintain records that will be subject to inspection; or

''(II) to obtain any license, permit, or other certification, including a description of any associated fees or fines.

''(3) COMBINATION WITH FLEXIBILITY ANALYSIS.—An energy rule regulatory impact analysis under paragraph (1) may be prepared together with the regulatory flexibility analysis relating to the energy rule under sections 603 and 604 of title 5, United States Code.

''(c) REVIEW OF REGULATORY IMPACT ANALYSES.—

''(1) IN GENERAL.—The head of an applicable agency shall review, and prepare comments regarding—

''(A) each notice of proposed rulemaking relating to an energy rule of the applicable agency;

''(B) each preliminary and final regulatory impact analysis relating to an energy rule of the applicable agency under this section; and

''(C) each final energy rule of the applicable agency.

''(2) CONSULTATION.—On receipt of a request of a head of an applicable agency, any officer or employee of another applicable agency shall consult with the head regarding a review under paragraph (1).

''(3) REQUIREMENT.—The head of an applicable agency shall not promulgate an energy rule until the date on which the final regulatory impact analysis relating to the energy rule is published in the Federal Register.

''(4) REVIEW OF OTHER APPLICABLE AGENCIES.—

''(A) IN GENERAL.—On receipt of a request of a head of an applicable agency, another applicable agency—

''(i) shall permit the head to review, and prepare comments regarding—

''(I) a notice of proposed rulemaking relating to an energy rule of the applicable agency; or

''(II) a preliminary or final regulatory impact analysis relating to an energy rule of the applicable agency under this section; and

''(ii) shall not publish the notice of proposed rulemaking or preliminary or final regulatory impact analysis until the earlier of—

''(I) the date on which—

''(aa) the head completes the review; and

''(bb) the applicable agency submits to the head a response to any comments of the head and includes in the comments of the applicable agency the response, in accordance with subparagraph (B)(ii); and

''(II) the expiration of the deadline described in subparagraph (B)(i).

''(B) DEADLINES.—

''(i) REVIEW AND COMMENT BY HEAD.—A head of an applicable agency shall complete a review of a notice of proposed rulemaking or preliminary or final regulatory impact analysis of another applicable agency under subparagraph (A) by not later than 90 days after the date on which the head submits a request for the review.

''(ii) RESPONSE BY APPLICABLE AGENCY.—An applicable agency shall submit to the head of another applicable agency that conducted a review and submitted comments regarding an energy rule under subparagraph (A) a response to those comments by not later than 90 days after the date on which the comments are received.

''(d) PLAIN LANGUAGE REQUIREMENT.—The head of an applicable agency shall ensure, to the maximum extent practicable, that each energy rule and each regulatory impact analysis relating to an energy rule—

''(1) is written in plain language; and

''(2) provides adequate notice of the requirements of the rule to affected individuals and entities.

''(e) NONAPPLICABILITY TO CERTAIN RULES AND AGENCIES.—

''(1) DEFINITION OF EMERGENCY SITUATION.—In this subsection, the term 'emergency situation' means a situation that—

''(A) is immediately impending and extraordinary in nature; or

''(B) demands attention due to a condition, circumstance, or practice that, if no action is taken, would be reasonably expected to cause—

''(i) death, serious illness, or severe injury to an individual; or

''(ii) substantial danger to private property or the environment.

''(2) NONAPPLICABILITY.—This section shall not apply to—

''(A) a major rule promulgated in response to an emergency situation, if a report describing the major rule and the emergency situation is submitted to the head of each affected applicable agency as soon as practicable after promulgation of the major rule;

''(B) a major rule proposed or promulgated in connection with the implementation of monetary policy or to ensure the safety and soundness of—

''(i) a federally-insured depository institution or an affiliate of such an institution;

''(ii) a credit union; or

''(iii) a government-sponsored housing enterprise regulated by the Office of Federal Housing Enterprise Oversight;

''(C) an action by an applicable agency that the head of the applicable agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States, including any regulation proposed or issued in connection with ensuring the collection of taxes from a subsidiary of a foreign company doing business in the United States; or

''(D) a major rule proposed or promulgated pursuant to section 553 of title 5, United States Code, in connection with imposing a trade sanction against any country that engages in illegal trade activities against the United States that are injurious to United States technology, jobs, pensions, or general economic well-being.''.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report that contains an analysis of—

(1) rulemaking procedures of Federal departments and agencies; and

(2) the impact of those procedures on—

(A) the public; and

(B) the regulatory process.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply only to final rules of Federal departments and agencies the rulemaking process for which begins after the date of enactment of this Act.

(d) OTHER POLICIES AND GOALS.—

(1) DECLARATION OF POLICY.—Section 101 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

''(c) ENERGY SECURITY.—Congress recognizes that, because the production and consumption of energy has a profound impact on the environment, and the availability of affordable energy resources is essential to continued national security and economic security of the United States, it is the policy of the United States to ensure that—

''(1) each proposed Federal action should be analyzed with respect to the impact of the proposed Federal action on the energy security of the United States; and

''(2) an analysis under paragraph (1) should be taken into consideration in developing Federal plans, rules, programs, and actions.''.

(2) REPORTS.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is amended—

(A) by redesignating clauses (iii) through (v) as clauses (iv) through (vi), respectively; and

(B) by inserting after clause (ii) the following:

''(iii) the impact on the energy security of the United States in terms of the effects to the production, distribution, and consumption of energy of the proposal or Federal action;''.

SA 1560. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE VIII—TAX INCENTIVES FOR PRODUCTION AND CONSERVATION OF ENERGY

SEC. 801. INCOME AND GAINS FROM ELECTRICITY TRANSMISSION SYSTEMS TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Section 7704(d)(1) of the Internal Revenue Code of 1986 (defining qualifying income) is amended by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by inserting after subparagraph (E) the following new subparagraph:

''(F) income and gains from the transmission of electricity at 69 or more kilovolts through any property the original use of which commences after December 31, 2006,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 802. FIVE-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Section 168(e)(3)(B) of the Internal Revenue Code of 1986 (defining 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi)(III) and inserting '', and'', and by inserting after clause (vi) the following new clause:

''(vii) any qualified energy management device.''.

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) of such Code (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED ENERGY MANAGEMENT DEVICE.—

''(A) IN GENERAL.—The term 'qualified energy management device' means any energy management device which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) ENERGY MANAGEMENT DEVICE.—For purposes of subparagraph (A), the term 'energy management device' means any time-based meter and related communications equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's energy management device in support of time-based rates or other forms of demand response, and

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years ending after the date of the enactment of this Act.

SEC. 803. SPECIAL DEPRECIATION ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following:

''(l) SPECIAL ALLOWANCE FOR CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified cellulosic biomass ethanol plant property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED CELLULOSIC BIOMASS ETHANOL PLANT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified cellulosic biomass ethanol plant property' means property of a character subject to the allowance for depreciation—

''(i) which is used in the United States solely to produce cellulosic biomass ethanol,

''(ii) the original use of which commences with the taxpayer after the date of the enactment of this subsection,

''(iii) which has a nameplate capacity of 100,000,000 gallons per year of cellulosic biomass ethanol,

''(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after the date of the enactment of this subsection, but only if no written binding contract for the acquisition was in effect on or before the date of the enactment of this subsection, and

''(v) which is placed in service by the taxpayer before January 1, 2013.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

''(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iii) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(3) CELLULOSIC BIOMASS ETHANOL.—For purposes of this subsection, the term 'cellulosic biomass ethanol'—

''(A) 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 and solid waste, and

''(B) includes any ethanol produced in facilities where animal wastes or other waste materials are digested or otherwise used to displace 90 percent or more of the fossil fuel normally used in the production of ethanol.

''(4) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

''(A) by substituting 'the date of the enactment of subsection (l)' for 'September 10, 2001' each place it appears therein,

''(B) by substituting 'January 1, 2013' for 'January 1, 2005' in clause (i) thereof, and

''(C) by substituting 'qualified cellulosic biomass ethanol plant property' for 'qualified property' in clause (iv) thereof.

''(5) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

''(6) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified cellulosic biomass ethanol plant property which ceases to be qualified cellulosic biomass ethanol plant property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 804. SPECIAL DEPRECIATION ALLOWANCE FOR COAL-TO-LIQUID FACILITIES.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system), as amended by this Act, is amended by adding at the end the following:

''(m) SPECIAL ALLOWANCE FOR COAL-TO-LIQUID PLANT PROPERTY.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified coal-to-liquid plant property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED COAL-TO-LIQUID PLANT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified coal-to-liquid plant property' means property of a character subject to the allowance for depreciation—

''(i) which is part of a commercial-scale project that converts coal to 1 or more liquid or gaseous transportation fuel that demonstrates the capture, and sequestration or disposal or use of, the carbon dioxide produced in the conversion process, and that, on the basis of carbon dioxide sequestration plan prepared by the applicant, is certified by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, as producing fuel with life cycle carbon dioxide emissions at or below the average life-cycle carbon dioxide emissions for the same type of fuel produced at traditional petroleum based facilities with similar annual capacities,

''(ii) which is used in the United States solely to produce coal-to-liquid fuels,

''(iii) the original use of which commences with the taxpayer after the date of the enactment of this subsection,

''(iv) which has a nameplate capacity of 30,000 barrels per day production of coal-to-liquid fuels;

''(v) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after the date of the enactment of this subsection, but only if no written binding contract for the acquisition was in effect on or before the date of the enactment of this subsection, and

''(vi) which is placed in service by the taxpayer before January 1, 2013.

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

''(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iii) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

''(A) by substituting 'the date of the enactment of subsection (l)' for 'September 10, 2001' each place it appears therein,

''(B) by substituting 'January 1, 2013' for 'January 1, 2005' in clause (i) thereof, and

''(C) by substituting 'qualified coal-to-liquid plant property' for 'qualified property' in clause (iv) thereof.

''(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

''(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified coal-to-liquid plant property which ceases to be qualified coal-to-liquid plant property.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 805. DEDICATED ETHANOL PIPELINES TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Section 168(e)(3)(E) of the Internal Revenue Code of 1986 (defining 15-year property), is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and by inserting '', and'', and by adding at the end the following new clause:

''(ix) any dedicated ethanol distribution line the original use of which commences with the taxpayer after August 1, 2007, and which is placed in service before January 1, 2013.''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of such Code (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

''(E)(ix) ..... 35.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after August 1, 2007.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer or related party has entered into a binding contract for the construction thereof on or before August 1, 2007, or, in the case of self-constructed property, has started construction on or before such date.

SEC. 806. CREDIT FOR POLLUTION ABATEMENT EQUIPMENT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 45N the following new section:

''SEC. 45O. CREDIT FOR POLLUTION ABATEMENT EQUIPMENT.

''(a) GENERAL RULE.—For purposes of section 38, the pollution abatement equipment credit for any taxable year is an amount equal to 30 percent of the costs of any qualified pollution abatement equipment property placed in service by the taxpayer during the taxable year.

''(b) LIMITATION.—The credit allowed under subsection (a) for any taxable year with respect to any qualified pollution abatement equipment property shall not exceed—

''(1) $50,000,000 in the case of a property of a character subject an allowance for depreciation provided in section 167, and

''(2) $30,000,000 in any other case.

''(c) QUALIFIED POLLUTION ABATEMENT EQUIPMENT PROPERTY.—For purposes of this section, the term 'qualified pollution abatement equipment property' means pollution abatement equipment—

''(1) which is part of a unit or facility which either—

''(A) utilizes technologies that meet relevant Federal and State clean air requirements applicable to the unit or facility, including being adequately demonstrated for purposes of section 111 of the Clean Air Act (42 U.S.C. 7411), achievable for purposes of section 169 of that Act (42 U.S.C. 7479), or achievable in practice for purposes of section 171 of that Act (42 U.S.C. 7501, or

''(B) utilizes equipment or processes that exceed relevant Federal or State clean air requirements applicable to the unit or facility by achieving greater efficiency or environmental performance,

''(2) which is installed on a voluntary basis and not as a result of an agreement with a Federal or State agency or required as a decree from a judicial decision, and

''(3) with respect to which an election under section 169 is not in effect.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) the pollution abatement equipment credit determined under section 45O(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45N the following new item:

''Sec. 45O. Credit for pollution abatement equipment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 807. MODIFICATIONS RELATING TO CLEAN RENEWABLE ENERGY BONDS.

(a) CLEAN RENEWABLE ENERGY BOND.—Paragraph (1) of section 54(d) of the Internal Revenue Code of 1986 (defining clean renewable energy bond) is amended—

(1) in subparagraph (A), by striking ''pursuant'' and all that follows through ''subsection (f)(2)'',

(2) in subparagraph (B), by striking ''95 percent or more of the proceeds'' and inserting ''90 percent or more of the net proceeds'', and

(3) in subparagraph (D), by striking ''subsection (h)'' and inserting ''subsection (g)''.

(b) QUALIFIED PROJECT.—Subparagraph (A) of section 54(d)(2) of such Code (defining qualified project) is amended to read as follows:

''(A) IN GENERAL.—The term 'qualified project' means any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service requirement) owned by a qualified borrower and also without regard to the following:

''(i) In the case of a qualified facility described in section 45(d)(9) (regarding incremental hydropower production), any determination of incremental hydropower production and related calculations shall be determined by the qualified borrower based on a methodology that meets Federal Energy Regulatory Commission standards.

''(ii) In the case of a qualified facility described in section 45(d)(9) (regarding hydropower production), the facility need not be licensed by the Federal Energy Regulation Commission if the facility, when constructed, will meet Federal Energy Regulatory Commission licensing requirements and other applicable environmental, licensing, and regulatory requirements.''.

(c) REIMBURSEMENT.—Subparagraph (C) of section 54(d)(2) of such Code (relating to reimbursement) is amended to read as follows:

''(C) REIMBURSEMENT.—For purposes of paragraph (1)(B), proceeds of a clean renewable energy bond may be issued to reimburse a qualified borrower for amounts paid after the date of the enactment of this subparagraph in the same manner as proceeds of State and local government obligations the interest upon which is exempt from tax under section 103.''.

(d) CHANGE IN USE.—Subparagraph (D) of section 54(d)(2) of such Code (relating to treatment of changes in use) is amended by striking ''or qualified issuer''.

(e) MAXIMUM TERM.—Paragraph (2) of section 54(e) of such Code (relating to maximum term) is amended by striking ''without regard to the requirements of subsection (1)(6) and''.

(f) REPEAL OF LIMITATION ON AMOUNT OF BONDS DESIGNATED.—Section 54 of such Code is amended by striking subsection (f) (relating to repeal of limitation on amount of bonds designated).

(g) SPECIAL RULES RELATING TO EXPENDITURES.—Subsection (h) of section 54 of such Code (relating to special rules relating to expenditures) is amended—

(1) in paragraph (1)(A), by striking ''95 percent of the proceeds'' and inserting ''90 percent of the net proceeds'',

(2) in paragraph (1)(B)—

(A) by striking ''10 percent of the proceeds'' and inserting ''5 percent of the net proceeds'', and

(B) by striking ''the 6-month period beginning on'' both places it appears and inserting ''1 year of'',

(3) in paragraph (1)(C), by inserting ''net'' before ''proceeds'', and

(4) in paragraph (3), by striking ''95 percent of the proceeds'' and inserting ''90 percent of the net proceeds''.

(h) REPEAL OF SPECIAL RULES RELATING TO ARBITRAGE.—Section 54 of such Code is amended by striking subsection (i) (relating to repeal of special rules relating to arbitrage).

(i) PUBLIC POWER ENTITY.—Subsection (j) of section 54 of such Code (defining cooperative electric company; qualified energy tax credit bond lender; governmental body; qualified borrower) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively,

(2) by inserting after paragraph (3) the following new paragraph:

''(4) PUBLIC POWER ENTITY.—The term 'public power entity' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of enactment of this paragraph).'',

(3) in paragraph (5), as so redesignated—

(A) by striking ''or'' at the end of subparagraph (B),

(B) by striking the period at the end of subparagraph (C) and inserting '', or'', and

(C) by adding at the end the following new subparagraph:

''(D) a public power entity.'', and

(4) in paragraph (6), as so redesignated—

(A) by striking ''or'' at the end of subparagraph (A),

(B) by striking the period at the end of subparagraph (B) and inserting '', or'', and

(C) by adding at the end the following new subparagraph:

''(C) a public power entity.''.

(j) REPEAL OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—Subsection (l) of section 54 of such Code (relating to other definitions and special rules) is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

(k) NET PROCEEDS.—Subsection (l) of section 54 of such Code (relating to other definitions and special rules), as amended by subsection (j), is amended by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (4), (5), (6), and (7), respectively, and by inserting after paragraph (1) the following new paragraphs:

''(2) NET PROCEEDS.—The term 'net proceeds' means, with respect to an issue, the proceeds of such issue reduced by amounts in a reasonably required reserve or replacement fund.

''(3) LIMITATION ON AMOUNT IN RESERVE OR REPLACEMENT FUND WHICH MAY BE FINANCED BY ISSUE.—A bond issued as part of an issue shall not be treated as a clean renewable energy bond if the amount of the proceeds from the sale of such issue which is part of any reserve or replacement fund exceeds 10 percent of the proceeds of the issue (or such higher amount which the issuer establishes is necessary to the satisfaction of the Secretary).''.

(l) OTHER SPECIAL RULES.—Subsection (l) of section 54 of such Code ((relating to other definitions and special rules), as amended by subsections (j) and (k), is amended by adding at the end the following new paragraphs:

''(8) CREDITS MAY BE SEPARATED.—There may be a separation (including at issuance) of the ownership of a clean renewable energy bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(9) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for the purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified energy tax credit bond on a credit allowance date (or the credit in the case of a separation as provided in paragraph (8)) shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(10) CARRYBACK AND CARRYFORWARD OF UNUSED CREDITS.—If the sum of the credit exceeds the limitation imposed by subsection (c) for any taxable year, any credits may be applied in a manner similar to the rules set forth in section 39.''.

(m) TERMINATION.—Subsection (m) of section 54 of such Code (relating to termination) is amended by striking ''2008'' and inserting ''2013''.

(n) CLERICAL REDESIGNATIONS.—Section 54 of such Code, as amended by the preceding provisions of this section, is amended by redesignating subsections (g), (h), (j), (k), (l), and (m) as subsections (f), (g), (h), (i), (j), and (k), respectively.

(o) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 808. EXTENSION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) IN GENERAL.—Section 45 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''10-year period beginning on the date the facility was originally placed in service,'' in subsection (a)(2)(A)(ii) and inserting ''5-year period beginning on the date

the facility was originally placed in service,'',

(2) by striking ''in subsection (a)(2)(A)(ii).'' in subsection (b)(4)(B)(i) and inserting ''beginning on the date the facility was originally placed in service.'',

(3) by striking ''in subsection (a)(2)(A)(ii).'' in subsection (b)(4)(B)(ii) and inserting ''beginning on the date the facility was originally placed in service.'', and

(4) by striking ''January 1, 2009'' each place it appears in subsection (d) and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 809. ENERGY CREDIT EXTENDED TO GREEN BUILDINGS.

(a) IN GENERAL.—Section 48(a)(3)(A) of the Internal Revenue Code of 1986 (defining energy property) is amended—

(1) by striking ''or'' at the end of clause (iii),

(2) by inserting after clause (iv) the following new clauses:

''(v) thermal storage system determined by the Secretary of Energy through a site specific feasibility study which allows for a reduction in energy use of 10 percent per year compared with conventional technologies, or

''(vi) daylight dimming technologies determined by the Secretary of Energy,''.

(b) CREDIT RATE.—Section 48(a)(2)(A) of such Code (relating to energy percentage) is amended—

(1) by striking ''and'' at the end of clause (i)(III),

(2) by redesignating clause (ii) as clause (iii), and

(3) by inserting after clause (i) the following new clause:

''(ii) 50 percent in the case of energy property described in clause (v) or (vi) of paragraph (3)(A), and''.

(c) LIMITATIONS.—Section 48 of such Code is amended by adding at the end the following new subsection:

''(d) ENERGY PROPERTY FOR GREEN BUILDINGS.—

''(1) THERMAL STORAGE UNIT.—In the case of energy property described in paragraph (3)(A)(v) placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $500,000.

''(2) DAYLIGHT DIMMING TECHNOLOGIES.—In the case of energy property described in paragraph (3)(A)(vi) placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $500,000.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 1561. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Strategic Refinery Reserve Act of 2007''.

SEC. 802. DEFINITIONS.

In this title:

(1) RESERVE.—The term ''Reserve'' means the Strategic Refinery Reserve established under section 803.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 803. STRATEGIC REFINERY RESERVE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish and operate a Strategic Refinery Reserve in the United States.

(2) AUTHORITIES.—To carry out this section, the Secretary may contract for—

(A) the construction or operation of new refineries; or

(B) the acquisition or reopening of closed refineries.

(b) OPERATION.—The Secretary shall operate the Reserve—

(1) to provide petroleum products to—

(A) the Federal Government (including the Department of Defense); and

(B) any State governments and political subdivisions of States that opt to purchase refined petroleum products from the Reserve; and

(2) to provide petroleum products to the general public during any period described in subsection (c).

(c) EMERGENCY PERIODS.—The Secretary shall make petroleum products from the Reserve available under subsection (b)(2) only if the President determines that—

(1) there is a severe energy supply interruption (as defined in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202)); or

(2)(A) there is a regional petroleum product supply shortage of significant scope and duration; and

(B) action taken under subsection (b)(2) would directly and significantly assist in reducing the adverse impact of the shortage.

(d) LOCATIONS.—In determining the location of a refinery for inclusion in the Reserve, the Secretary shall take into account—

(1) the impact of the refinery on the local community, as determined after requesting and reviewing any comments from State and local governments and the public;

(2) regional vulnerability to—

(A) natural disasters; and

(B) terrorist attacks;

(3) the proximity of the refinery to the Strategic Petroleum Reserve;

(4) the accessibility of the refinery to energy infrastructure and Federal facilities (including facilities under the jurisdiction of the Department of Defense);

(5) the need to minimize adverse public health and environmental impacts; and

(6) the energy needs of the Federal Government (including the Department of Defense).

(e) INCREASED CAPACITY.—The Secretary shall ensure that refineries in the Reserve are designed to provide a rapid increase in production capacity during periods described in subsection (c).

(f) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a plan for the establishment and operation of the Reserve under this section.

(2) REQUIREMENTS.—The plan required under paragraph (1) shall—

(A)(i)(I) provide for, within 2 years after the date of enactment of this Act, a capacity within the Reserve equal to 5 percent of the total United States daily demand for gasoline, diesel, and aviation fuel; and

(II) provide for a capacity within the Reserve such that not less than 75 percent of the gasoline and diesel fuel produced by the Reserve contain an average of 10 percent renewable fuel (as defined in 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1))); or

(ii) if the Secretary finds that achieving the capacity described in subclause (I) or (II) of clause (i) is not feasible within 2 years after the date of enactment of this Act, include—

(I) an explanation from the Secretary of the reasons why achieving the capacity within the timeframe is not feasible; and

(II) provisions for achieving the required capacity as soon as practicable; and

(B) provide for adequate delivery systems capable of providing Reserve product to the entities described in subsection (b)(1).

(g) COORDINATION.—The Secretary shall carry out this section in coordination with the Secretary of Defense.

(h) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section affects any requirement to comply with Federal or State environmental or other laws.

SEC. 804. REPORTS ON REFINERY CLOSURES.

(a) REPORTS TO SECRETARY.—

(1) IN GENERAL.—Not later than 180 days before permanently closing a refinery in the United States, the owner or operator of the refinery shall submit to the Secretary notice of the closing.

(2) REQUIREMENTS.—The notice required under paragraph (1) with respect to a refinery to be closed shall include an explanation of the reasons for the closing of the refinery.

(b) REPORTS TO CONGRESS.—The Secretary shall, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Federal Trade Commission and as soon as practicable after receipt of a report under subsection (a), submit to Congress—

(1) the report; and

(2) an analysis of the effects of the proposed closing covered by the report on—

(A) in accordance with the Clean Air Act (42 U.S.C. 7401 et seq.), supplies of clean fuel;

(B) petroleum product prices;

(C) competition in the refining industry;

(D) the economy of the United States;

(E) regional economies;

(F) regional supplies of refined petroleum products;

(G) the supply of fuel to the Department of Defense; and

(H) energy security.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 20, 2007, at 10 a.m., to conduct a hearing to receive testimony on S. 1285, the ''Fair Elections Now Act,'' to reform the finance of Senate elections, and on the high cost of broadcasting campaign advertisements.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 13, 2007, at 10 a.m. in order to conduct a business meeting to consider pending committee business.

Agenda

Legislation

S. 1257, District of Columbia House Voting Rights Act of 2007;

S. 274, Federal Employee Protection of Disclosures Act;

H.R. 1254, Presidential Library Donation Reform Act of 2007;

S. Res. 22, a resolution reaffirming the constitutional and statutory protections accorded sealed domestic mail, and for other purposes;

S. 967, Federal Supervisor Training Act of 2007;

S. 1046, Senior Professional Performance Act of 2007;

S. 1099, a bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance;

S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years;

H.R. 1255/S. 886, Presidential Records Act Amendments of 2007;

S. 381, Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 13, 2007, at 10 a.m., to conduct a hearing on nominations to the Federal Election Commission.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BINGAMAN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 13, 2007 at 9:30 a.m. in room 562 of the Dirksen Building to conduct an oversight hearing on Department of Labor, Department of Defense, VA cooperation, and collaboration to meet the employment needs of returning service members.

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

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that Colin Jones, a DOE fellow from the Idaho National Lab, be granted the privilege of the floor during consideration of H.R. 6, the Energy bill before us.

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

Mr. CRAIG. Mr. President, I ask unanimous consent that T.J. Kim, with the Committee on Environment and Public Works, be granted the privilege of the floor for the duration of the Energy bill.

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

Mr. SALAZAR. Mr. President, I ask unanimous consent that David Hiller, of my staff, be given floor privileges during the remainder of the debate on H.R. 6.

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

Mr. DURBIN. I ask unanimous consent the following fellows of my staff—Jonna Hamilton, Joseph De Maria, and Jack Gardner—be granted the privilege of the floor for the remainder of the first session of the 110th Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 111; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101–509, the appointment of Sheryl B. Vogt, of Georgia, to the Advisory Committee on the Records of Congress.

NATIONAL HUNTINGTON'S DISEASE AWARENESS DAY

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 234, 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. 234) designating June 15, 2007 as ''National Huntington's Disease Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Madam President, I rise today to support a resolution designating June 15, 2007, as ''National Huntington's Disease Awareness Day,'' a devastating disorder that affects an estimated 1 in every 10,000 persons. We need to raise awareness of Huntington's disease, which is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12–15 year period. Though Huntington's disease typically begins in midlife, between the ages of 30 and 45, onset may occur as early as the age of 2. The average lifespan after onset of Huntington's disease is 10 to 20 years. The younger a person contracts the disease, the more rapid the progression. Additionally, children who develop the juvenile form of the disease rarely live to adulthood, and a child of a Huntington's disease parent has a 50–50 chance of inheriting the Huntington's disease gene.

Since the discovery of the gene that causes Huntington's disease in 1993, the pace of Huntington's disease research has accelerated. Although scientists and researchers are hopeful that breakthroughs are forthcoming, no cures for this disease currently exist.

The need for heightened awareness of Huntington's disease was brought to my attention by constituents who suffer from this disease. For the benefit of these individuals and for the well-being of sufferers in your own State and around the Nation, I ask you to join me in this effort to raise awareness of Huntington's disease.

Mr. MENENDEZ. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 234

Whereas Huntington's Disease is a progressive degenerative neurological disease that causes total physical and mental deterioration over a 12 to 15 year period;

Whereas each child of a parent with Huntington's Disease has a 50 percent chance of inheriting the Huntington's Disease gene;

Whereas Huntington's Disease typically begins in mid-life, between the ages of 30 and 45, though onset may occur as early as the age of 2;

Whereas children who develop the juvenile form of the disease rarely live to adulthood;

Whereas the average lifespan after onset of Huntington's Disease is 10 to 20 years, and

the younger the age of onset, the more rapid the progression of the disease;

Whereas Huntington's Disease affects 30,000 patients and 200,000 genetically ''at risk'' individuals in the United States;

Whereas since the discovery of the gene that causes Huntington's Disease in 1993, the pace of Huntington's Disease research has accelerated;

Whereas, although no effective treatment or cure currently exists, scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving Huntington's Disease; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Huntington's Disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 15, 2007, as ''National Huntington's Disease Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of Huntington's Disease; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Huntington's Disease Society of America.

MEASURES INDEFINITELY POSTPONED: S. CON. RES. 10, S. 261, S. 624, H. CON. RES. 118

Mr. MENENDEZ. Madam President, I ask unanimous consent that the following calendar items be indefinitely postponed: Calendar No. 61, S. Con. Res. 10; Calendar No. 87, S. 261; Calendar No. 100, S. 624; and Calendar No. 130, H. Con. Res. 118.

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

ORDERS FOR THURSDAY, JUNE 14, 2007

Mr. MENENDEZ. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, June 14; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 6, the comprehensive energy legislation.

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

ADJOURNMENT UNTIL 9:30 A.M TOMORROW

Mr. MENENDEZ. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Thursday, June 14, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 2007:

DEPARTMENT OF ENERGY

LISA E. EPIFANI, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS), VICE JILL L. SIGAL, RESIGNED.

DEPARTMENT OF STATE

GAIL DENNISE MATHIEU, OF NEW JERSEY, 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 NAMIBIA.

THE JUDICIARY

JOSEPH N. LAPLANTE, OF NEW HAMPSHIRE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE, VICE JOSEPH A. DICLERICO, JR., RETIRED.

GUSTAVUS ADOLPHUS PURYEAR IV, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE, VICE ROBERT L. ECHOLS, RETIRED.

ELECTION ASSISTANCE COMMISSION

GRACIA M. HILLMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009. (REAPPOINTMENT)

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, June 13, 2007:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ROBERT M. COUCH, OF ALABAMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

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.