learn over and over again. I have certainly made my share of verbal mistakes and missteps over the years.

So last night’s statement from Senator DURBIN both honored our troops and recognized the sacrifices of those who lived and died under the grim systems of Soviet repression, and Cambodian genocide. That is right, fine, and worthy. Senator DURBIN took an honorable step yesterday afternoon. I look forward to working with our colleague from Illinois as we move forward in the days and weeks ahead.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

JOHN BOLTON NOMINATION

Mr. REID. Mr. President, yesterday at the White House it was reported that President Bush told Republican leaders to keep fighting to get Mr. Bolton’s nomination for the U.N. ambassador, an up-or-down vote. Keep fighting—that was the message delivered by the President.

I understand the need for an occasional pep rally to bolster discouraged membership, but the American people are tired of the fighting and the bickering. They want us to tackle the hard issues confronting this country and deal with the crisis in health care where 45 million people have no health insurance and millions of others are underinsured, to deal with education, the ability of parents to send their children to college and then the deteriorating nature of our public school system, part of which is directly related to the Leave No Child Behind Act. We are approaching 1,900 dead American soldiers in the war in Iraq. We are approaching 20,000 who have been wounded. We do not know the exact number of Iraqis who are dead, but it is well over 100,000.

Of course, we have the President’s ongoing direction to privatize Social Security. He has not directed his attention at all, as we should, to retirement security. United Airlines basically defaulted on their pension obligations to their employees. Delta, Northwest, other airlines, and other companies are standing by. Unless they get help from the Congress, they too will default on their obligations to their employees’ retirement programs.

Then, the White House, want the John Bolton matter resolved. It can be resolved easily and quickly in two ways. First, the President can take the advice of the distinguished Republican, the Senator from Ohio, Mr. VOINOVICH, and offer a new nominee. Over the course of the Foreign Relations Committee hearings, it became quite clear that John Bolton is simply not the right man for this most important job.

John Bolton has attempted to manipulate intelligence, intimate intelligence analysts, and has shown outright disdain for the international system and the institution for which he was nominated to serve.

The administration should have everyone believe Mr. Bolton is the only man capable of delivering the reform message to the United Nations. We all agree that the United Nations needs reform, but I would submit that there are dozens, scores of tough reformers who could be confirmed rapidly with broad bipartisan support.

We have quickly approved the White House’s two previous selections to this post, Negroponte and Danforth, and we are prepared to do so again.

When Senator Danforth decided to step down as our Representative to the United Nations, the administration had a choice to make: Did it want to pick someone along the lines of its two previous nominees who could have been quickly confirmed and on the job fixing the U.N. or did it want a fight in the Senate? It appears a fight was more in line with what they felt was appropriate.

Unfortunately, the administration, as I have said, knowingly chose a fight. They were told prior to sending his name to the Senate that it was a problem. The White House’s choice and subsequent actions demonstrate that reform in Washington is needed as much as it is at the United Nations.

If the administration does not want to withdraw Mr. Bolton’s nomination, and that appears to be clear, there is another path. It can take the advice of former majority leader TRENT LOTT, who said yesterday on Fox News that the administration should provide the information that has been requested by the Senate. This is Senator LOTT saying this, not me, even though I have said it also. Speaking to Fox News, the Senator further said:

My colleagues have a right to know that information... I think the [Administration] ought to give the [Senate] the information.

The distinguished Senator from Mississippi, my friend, also went on to say what this fight is really all about:

We are saying to the White House, we’re a coequal branch of government here, other Senators have done this in the past, we’re seeking the information which we have a right to...

That is also a view shared by the Republican Senator from Rhode Island who sits on the committee, LINCOLN CHAFEE, who, when asked whether the White House would provide the information about Mr. Bolton, said, as he usually does, in very short, concise statements: “I like full disclosure.”

Full disclosure is exactly what we need. We should shed light on whether this nominee tried to stretch the truth about weapons of mass destruction programs, and it should explain why Mr. Bolton needed to see what Americans—perhaps his own superiors at the State Department—were saying about him in these NSA intercepts.

I have said it before and I will say it again: This fight is not about Mr. Bolton. It is about whether this administration will recognize that the Constitution established that Congress is a coequal branch of Government with certain powers and responsibilities. If the President turns over the information, not part of it or a summary of it but turns over all of the information requested, the White House will get their up-or-down vote.

Unlike the advice offered by the President yesterday, continued fighting will not advance his troubled nominee. Working with the Senate will. By taking the advice of my friends from Ohio, Senator VOINOVICH; Mississippi, TRENT LOTT; and LINCOLN CHAFEE, Rhode Island, all Republicans, the President and the Congress can put this matter behind them and move on to the critical issues facing the Nation and the United Nations.

RESERVATION OF LEADER TIME

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

ENERGY POLICY ACT OF 2005

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

The legislative clerk read as follows:

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

Pending:

Wyden/Dorgan amendment No. 792, to provide for the suspension of strategic petroleum reserve acquisitions.

Schumer amendment No. 805, to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and circumvent the efforts of OPEC to reap windfall profits.

McCain/Lieberman amendment No. 826, to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States.

Reid (for Lautenberg) amendment No. 839, to require any Federal agency that publishes a science-based climate change document that was significantly altered at White House request to make an unaltered final draft of the document publicly available for comparison.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California, Mrs. FEINSTEIN, will be recognized to offer an amendment in relation to LNG.

The Senator from California.

AMENDMENT NO. 841

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 841.

The ACTING PRESIDENT pro tempore. The clerk will report.

The clerk reported the amendment as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Ms. SNOWE, Mr. REED, Mr. SESSIONS, Mr. KENNEDY, Ms. COLLINS,
Mrs. FEINSTEIN. Mr. President, I rise on behalf of Senators SNOWE, REED, SESSIONS, KENNEDY, COLLINS, DODD, BOXER, CLINTON, LIEBERMAN, CANTWELL, KERRY, SCHUMER, and MURRAY, to offer this amendment to the Energy bill on the siting of liquefied natural gas import terminals. Let me clearly state that the problem is not whether to site these LNG terminals, but where. To give control to a remote Federal agency, when States are concerned about the safety of residents near a proposed site, we, the cosponsors of this amendment, believe is a mistake.

This Energy bill would give the Federal Energy Regulatory Commission, known as FERC, exclusive authority over siting onshore liquefied natural gas facilities. Our amendment would provide each State’s Governor the same authority to veto, approve, or attach conditions to onshore liquefied natural gas facilities as they now have with respect to offshore liquefied natural gas facilities. This amendment is not concurrent siting. It does not require the applicant duplicate the application process, nor does it add additional time and money to the entire approval process. If there are 12 states that are interested in the siting of LNG, and there are five existing sites at this time. Clearly this Nation needs new natural gas supplies, and liquefied natural gas is one of the options available to us. Let me be clear. I do not oppose liquefied natural gas sites in California. Liquefied natural gas is clean energy and it is less costly than other forms.

What this chart shows is there are 34 potential sites for liquefied natural gas. Those are the blue circles, clustered around the gulf, off of Florida, off of the northeastern coast, off of California, and one in the Pacific Northwest. It points out that eight sites in the United States have already been approved by FERC. It shows three are approved for Mexico, two are approved for Canada, and there are five existing sites at this time. Clearly this Nation is on its way to using liquefied natural gas.

The United States holds less than 4 percent of total world reserves, and California produces less than 15 percent of the natural gas it consumes, so if there is to be this form of clean energy, it must be imported. That is why Governor Schwarzenegger, the California Public Utilities Commission, the California Energy Commission, and the State Governors Association, all agree that LNG terminals should be approved.

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On page 311, after line 24, add the following:

“Energy bill on the siting of liquefied natural gas from a foreign country or the export of natural gas to a foreign country without the approval of the Governor of the State in which the facility would be located.”

On page 312, after line 24, add the following:

“...The Commission shall not approve an application for the authorization under this section of the siting, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign country or the export of natural gas to a foreign country without the approval of the Governor of the State in which such facility would be located.”

Subject to subparagraph (B), if the Governor fails to submit to the Commission an approval or disapproval not later than 45 days after the issuance of the final environmental impact statement on the proposed project, the approval shall be conclusively presumed.

If the Governor notifies the Commission that an application, which would otherwise be approved under this paragraph, is inconsistent with State programs relating to environmental protection, land and water use, public health and safety, and coastal zone management, the Commission shall condition the license granted so as to make the license consistent with the State programs.

“(B) In the case of a project not approved before June 22, 2005, and for which the final environmental impact statement was issued more than 15 days before the date of enactment, the provision of this paragraph shall apply, except that the Governor of the State shall submit the approval or disapproval of the Governor not later than 30 days after the date of enactment of this subsection, or approval shall be conclusively presumed. If the Governor disapproves the project within that period, neither the Commission nor any other agency shall take any action to approve the project or the construction or operation of the project.”

On page 312, line 1, strike “(d)” and insert “(d)”. On page 312, line 24, strike “(4)” and insert “(5)”.

Mrs. FEINSTEIN. Mr. President, I urge your support for maintaining the right of coastal states and communities to participate meaningfully in the planning and permitting of significant energy projects on our shores and the outer continental shelf immediately adjacent to state waters.

As Governors, we recognize the need for a comprehensive energy policy that will lessen our dependence on foreign sources and modernize the nation’s infrastructure, development, and distribution system. We see this need daily as we address the economic concerns of citizens and businesses within our states. However, provisions of the Energy Policy Act of 2005 (H.R. 6), as passed by the House of Representatives, unacceptably preempt State and local prerogatives over siting of Liquefied Natural Gas (LNG) and other energy facilities.

Based on current and previous siting controversies, there is little reason to believe that the Federal Energy Regulatory Commission (FERC) is willing or able to address the concerns of citizens and businesses within our states. However, provisions of the Energy Policy Act of 2005 (H.R. 6), as passed by the House of Representatives, unacceptably preempt State and local authority over siting of LNG and other energy facilities.

We would welcome the opportunity to work with you and Congress to develop a permitting process that balances the need for increased energy production with the maintenance of a robust role for states and local governments. In the meantime, we urge you to maintain the common sense measures that allow those most directly affected to have a voice in the siting of energy facilities.

Sincerely,

GOV. ARNOLD SCHWARZENEGGER,
California.

GOV. KATHLEEN BLANCO,
Louisiana.

GOV. DONALD CARCERRI,
Rhode Island.

GOV. MITT ROMNEY,
Massachusetts.

GOV. RUTH ANN MINNER,
Delaware.

GOV. RICHARD COPEY,
New Jersey.
There being no objection, the material was ordered to be printed in the Record, as follows:

DEAR CHAIRMAN DOMENICI AND RANKING MEMBER HINGAMAN: On behalf of the National Governors Association, I write to ask you to support the Feinstein/Snowe/Reed/ Sessions amendment to the Energy Policy Act of 2005 on the sitting of liquefied natural gas (LNG) facilities. As stewards of state resources, governors must have the authority to determine what is in the best interest of their state. This modification recognizes the critical role governors play within their states, as well as within a national energy policy, while avoiding an unnecessary pre-emption of state authority.

Governors recognize the importance of a comprehensive energy policy and support the promotion of a diverse and reliable portfolio of energy sources. However, any national energy policy must also recognize the authority of states in decision-making and not allow for the federal pre-emption of that authority. This policy extends to the siting of LNG facilities on land or in state waters. Given the impact any proposed energy project can have on state and local resources, economy and infrastructure, governors must have the ability to review the project impacts and approve or reject LNG projects that fall under state jurisdiction.

The bipartisan amendment offered by Senator Leahy, Senator Rockefeller, Senator Sessions, and Senator Snowe would require gubernatorial approval of any application regarding the siting of LNG facilities located offshore or in state waters, thus providing concurrent jurisdiction over these projects. This is the same authority granted to governors under the Deepwater Ports Act of 1974 for offshore projects and it is reasonable to request the same authority for projects that could have an even greater impact on states. Therefore, the governors urge you to support an amendment in an effort to reach a fair compromise that retains state authority while promoting a diverse national energy policy.

Governors commend both of you for your leadership in the effort to enact a new national energy policy and look forward to working with you as the legislation continues to move through Congress.

Sincerely,

RAYMOND C. SCHIFFPACH, Executive Director.

Mrs. FEINSTEIN. States will be responsible for the safety of these facilities, even after they are sited. That is why it is so important to preserve the rights of the States to participate in the process to determine where these facilities should be located. For LNG facilities that are being proposed in California, the Governor has the right to approve or veto a project now, yet this bill gives the State less input for facilities that are located on shore, in our busy ports, and near closely packed communities. This is completely illogical to me. It simply does not make sense. To give the Governor the veto power over a deepwater port more than 3 miles from land, and yet refuse to give that Governor any veto power over a site that might be located in the heart of the densest metropolitan areas of our country is completely illogical.

In a conversation I had recently, last week, with Chairman Pat Wood of the Federal Energy Commission, he said even if the Federal Government sited an LNG facility, it would not be built as long as a Governor opposed it. If that is in fact the case, then why would the Governor of a State the necessary authority?

Let me explain how this works. Under the Deep Water Port Act, which was amended in 2002 to regulate the process for siting offshore LNG terminals, the Secretary of Commerce is directed to make a certification for an LNG project, the Com-
the Commission cannot authorize construction of the project.

CLEAN AIR ACT

Section 502 of the Clean Air Act, 42 U.S.C. 7661(a), makes it unlawful for any person to operate a source of air pollution (as detailed in that Act) except in compliance with a permit issued by a permitting authority. States are authorized by the Administrator of the EPA to be permitting authorities. We believe it unlikely that an LNG project would not require a Clean Air Act permit. Based on the foregoing, as discussed with respect to the Clean Water Act, a state can deny a necessary Clean Air Act permit.

COASTAL STATE AGENCIES ADMINISTERING CLEAN WATER ACT, CLEAN AIR ACT, AND COASTAL ZONE MANAGEMENT ACT

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<tr>
<th>State</th>
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<td>Chair Meg Caldwell</td>
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<td>Sec. Alan Lloyd</td>
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<td>Chairman Barbara Baran</td>
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<td>Commissioner Gina McCarthy</td>
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<td>Sec. John Hughes</td>
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<td>Sec. Colleen Castillo</td>
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<td>Sec. Steve Angelle</td>
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<td>Sec. Mike McDaniel</td>
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<td>Sec. Elena Ray-Verchick</td>
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<td>Commissioner Robert W. Gelledge</td>
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<td>Sec. Ronald Francis</td>
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<td>Sec. Kendal Poehlman</td>
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<td>Martha Freeman</td>
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<td>Chairman Richard Hardwicke</td>
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<td>Chairman Vernon Asper</td>
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<td>Director Charles Chastain</td>
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<tr>
<td>Sec. William G. Ross</td>
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<td>Comm. Bradley Campbell</td>
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<td>Sec. Randy A. Danmier</td>
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<td>Commissioner Denise Sheehan</td>
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<td>Director Lane Shafely</td>
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<td>Director Stephanie Hollick</td>
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<td>Sec. Kathleen Ann McGerty</td>
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<td>Chairman Michael F. Todd</td>
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<td>Director R. Michael Sullivan</td>
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<td>Comm. C. Earl Hunter</td>
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<td>Chairman Victor Carrillo</td>
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<td>Chairman Kathleen Hartnett White</td>
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<td>Director Robert Burnley</td>
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<tr>
<td>Joy Manning</td>
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U.S. Senate, Washington, DC, June 14, 2005.

Hon. PAT WOODS, III, Chairman. Federal Energy Regulatory Commission, Washington, DC.

DEAR CHAIRMAN WOOD: Thank you for your letter detailing how the States can, in effect, “veto” an LNG project. Based on your letter and the attachment entitled “States Roles in Administering Federal Laws,” I assume that the situation is as you describe:

If a state denies a Clean Water Act certification, the “Commission and the Corps cannot authorize construction of the project.”

Under the Coastal Zone Management Act, “if a state does not concur with a certification by an LNG project proponent, the Commission cannot authorize construction of the project.”

Under the Clean Air Act, “a state can deny a necessary Clean Air Act permit.”

Therefore, I assume that this is absolute. You did not say “dependent upon an appeal.” You make no reference to an appeal, therefore I assume this is an absolute statement in view of the fact that your letter lacks any mention of appeal.

Please let me know if I am mistaken in my understanding of your letter.

Sincerely,

DIANN FEINSTEIN, U.S. Senator.


Hon. DIANNE FEINSTEIN, U.S. Senator, Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter of June 14, responding to my letter of the same date regarding state authority under the Clean Water Act, the Coastal Zone Management Act, and the Clean Air Act to protect liquefied natural gas (LNG) projects that are onshore or in state waters. You asked about the possibility of appeals from the referenced state actions under these statutory schemes.

As I wrote earlier, the denial by a state of a Clean Water Act certification, a Coastal Zone Management Act (CZMA) concurrence, or a Clean Air Act permit will prevent the Commission and other federal agencies from authorizing the construction of LNG facilities. But, Applicants aggrieved by state decisions may have a right to appeal.

Under section 307(c)(3)(A) of the CZMA, 16 U.S.C. §1456(c)(3)(A), following an adverse consistency determination by a state, the Secretary of Commerce can “on his own initiative or upon appeal by the applicant find[ ], after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of [the CZMA] or is otherwise necessary in the interest of national security.” At least some states also provide for review of initial CZMA decisions in state court.

It is my understanding that under the Clean Water Act and the Clean Air Act, the various states have differing administrative and judicial review procedures, the Environmental Protection Agency, which oversees the implementation of these statutes, may have more detailed state-specific information regarding these procedures. And, as is true of all of the Commission’s orders, any approval or denial of an LNG project under the Natural Gas Act is also subject to review in the United States Courts of Appeals. It remains the case that unless and until a state decision barring an LNG project is overturned, the Commission cannot authorize the construction of LNG facilities in order to protect the welfare of its citizens.

Out of the 40 proposed LNG terminals in this Nation, the FERC believes only a dozen will actually be built. Since Governors have the responsibility of ensuring the safety of their constituents, it makes sense to me to allow the States to have a significant role in the siting of these facilities. If there are other options besides putting these facilities in busy ports or near population centers, they should be sited where they pose the least danger to people, not just where they make the most economic sense. Therefore, we present this amendment to the bill.

Mr. President, I reserve the remainder of my time and I turn the floor over to Senator KENNEDY for as much time as he consumes.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate equally divided. That started with the presentation of the Senator from California. The Senator from Massachusetts.

Mrs. FEINSTEIN. Mr. President, that is why my colleagues and I are offering this amendment today, to provide States with a real veto authority if a project were to violate the State’s environmental, health, and water use, public health, and safety, and coastal zone management laws. In this post-9/11 world, I think we have to look a little differently at the siting of all facilities, and especially the specific risk that LNG terminals pose. A December 2004 report by Sandia National Laboratories concluded that LNG tankers could, in fact, be a potential terrorist target. If the worst case were to occur, a tanker could in fact spill liquefied natural gas that, in about 30 seconds, could set off a fire that would cause second-degree burns on people nearly a mile away.

I admit this is a small probability. Nonetheless, it is such, and therefore it has to be considered. In siting these terminals, that factor is a factor of relevant consideration. That is why this amendment is so important. States must have a role in siting LNG facilities in order to protect the welfare of their citizens.

Out of the 40 proposed LNG terminals in this Nation, the FERC believes only a dozen will actually be built. Since Governors have the responsibility of ensuring the safety of their constituents, it makes sense to me to allow the States to have a significant role in the siting of these facilities. If there are other options besides putting these facilities in busy ports or near population centers, they should be sited where they pose the least danger to people, not just where they make the most economic sense. Therefore, we present this amendment to the bill.

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The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate equally divided. That started with the presentation of the Senator from California. The Senator from Massachusetts.
Mr. KENNEDY. Mr. President, I yield myself 7 minutes, if that is agreeable with the Senator from California.

Mrs. FEINSTEIN. It is.

SENATOR DURBIN

Mr. KENNEDY. Mr. President, first I want to pay a very good friend, and that is Senator DURBIN. I have had the good opportunity and great honor of representing Massachusettss in the Senate now for over 40 years. I believe he has a great love for this country, a great respect for the Senate, and a great love for his State of Illinois. I think every morning when he rises, he is looking out for the struggling middle class and the working families of this country. I have enormous respect for his dedication and his commitment to those who serve in the Armed Forces.

Mr. President, I congratulate and thank my friend and colleague from California for offering this amendment. I rise in strong support of this amendment. She has made a very compelling case. I want to add some additional points to what I think is a very persuasive, commonsense approach to the whole issue of LNG.

I support the development of LNG. She has placed her finger on the most important aspects of it. We need it as a country. It ought to be embraced and expanded and supported. But at least the issues of safety and security ought to be able to be presented to the decision making bodies in this Government. Too often that has not been the consideration it deserves.

I want to add that at this moment, although I think this Energy bill moves us forward on many issues—from the new incentives for energy conservation to expanding our portfolio of renewable electricity—it has no clear plan for energy independence and it fails to provide needed relief from the high gas prices that are slowing our economy and that are being paid for by families all across this country. Millions of American households face a genuine energy crisis because of gas prices which are at their highest levels in years. The national level now is $2.13 a gallon, and in Massachusetts the price of regular gasoline is 24 percent higher than in 2001. We should explore all options for lowering gas prices immediately, including a more rigorous investigation of price gouging at the pump.

Our dependence on foreign oil is an albatross around our neck. The technology is there to rapidly reduce imports of foreign oil by making greater investments in solar and hydroelectric and other renewable energy sources. Success is within our reach if we set a clear national target.

That is why I gave strong support to Senator CANTWELL, who offered the amendment to reduce our dependence on foreign oil by 40 percent in 20 years. I am disappointed it did not receive the full support of our colleagues on the other side of the aisle because reducing our dependence on foreign oil is an important part of a comprehensive national strategy.

As Senator FEINSTEIN mentioned, LNG is part of all of this energy debate and discussion. She has talked very compellingly about the safety issues. LNG, as has been pointed out, is a highly hazardous and explosive material, as its track record clearly shows. At 40 LNG facilities in the world, serious accidents have occurred at 13 of them since 1944. In 1944, an accident at a facility in the United States killed 12 people. An adjacent Algerian facility killed or injured over 100 people. A Sandia Lab report released in December confirms our worst fears: If an LNG tanker or facility catches fire, the lives of residents within a 1-mile radius would be endangered by the resulting explosion.

The United States has not built an LNG facility in an urban area in over 30 years. There are 32 proposals under consideration; one facility is in Weaver’s Cove at the mouth of the Taunton River in Fall River, MA, a city of 100,000. And your city could be next.

Let me point out what we are facing in Weaver’s Cove in Fall River. If you can see this chart, these small areas represent homes. This circle represents 1 mile. 9,000 individuals live within that radius. Here is Somerset School. One thousand children go to that school every single day. At the Wiley School, which 165 students attend; St. Michael’s School, another 165 children go every single day.

To transport LNG to the proposed facility at Weaver’s Cove, also raises serious safety issues. A 33-million-gallon tanker has to travel 31 miles of coastline, through narrow waterways, along some of our most pristine areas, including Narragansett Bay, one of the most environmentally sensitive areas in the United States. To reach the facility, the explosive liquefied natural gas would have to travel under five bridges, which are also likely targets for a terrorist attack.

Based on these facts, there is overwhelming opposition to the facility in Fall River. The mayor of Fall River opposes it, as does the city council. The people of Fall River strongly oppose it. They are not against LNG, but there are 3,600 people living in this area. We are talking about the fact of moving this tanker up a narrow sea lane for 31 miles.

Despite their pleas, FERC is moving forward without a formal siting process. FERC has ignored repeated requests from the mayor, myself, and my colleague Senator KERRY to discuss the issue. The congressional delegation has appealed to Secretary Chertoff of the Homeland Security to visit this site and we hope he will soon.

This amendment, as the Senator has pointed out, gives the Governor of a State where the site is proposed a voice in the process. It creates a true Federal-State partnership. That is how we regulate the siting of other hazardous facilities. That is how we should decide the placement of LNG facilities.

We need a responsible approach that makes sense in this world where security must be a high priority. I hope this amendment will be accepted.

I thank the Senator from California. Mrs. FEINSTEIN, I thank the distinguished Senator from Massachusetts.

I yield 7 minutes to the Senator from Maine, Ms. SNOWE. Then I ask unanimous consent to yield 7 minutes to Senator REED from Rhode Island.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Ms. SNOWE. I thank Senator FEINSTEIN for yielding me time on this amendment. I have cosponsored this amendment because it is critical to involve States in the decisionmaking process of liquefied natural gas terminal siting.

Natural gas, like renewable energy, should and will have a major place in our 21st century energy policy. Similar to my colleagues in northern states, I have had concerns about the high cost of fuel. And similar to my colleagues in northern states, I have heard the concerns of the outrageous cost of oil in relation to our winter heating costs. I recognize the importance of creating a national plan that ensures that both the supply of energy is increased and our demand for energy is curtailed.

It is critical, as the Feinstein-Snowe amendment presents, that we have a responsibility to make sure that at the dawn of the 21st century, we have the ability to select placement of liquefied natural gas sites deliberately and with all the potential problems addressed. The only truly effective way of ensuring safety and efficient use of LNG sites is to involve local concerns in the process. States simply need to have a role in deciding where the best LNG sites exist.

The Feinstein-Snowe legislation gives concurrent Federal and State jurisdiction for the siting of LNG facilities so that State governments are not preempted from the decisionmaking process for the location of future LNG facilities.

Let’s talk about the scale of these tankers. The placement of an LNG facility has profound effects in the local community environment, ecosystem, fishing industry, and residential commercial communities that are intrinsically linked to the ocean. The decision to fundamentally change the nature of a coastal community in the placing of an LNG site should only be made by including all people in and all actors affected by the siting. This amendment ensures the State governments can provide insight into the location process.

My State of Maine has a coastline that is more than 5,000 miles long,
which is why there is great interest in siting LNG facilities at different locations along its coast. Over this past year in Maine, the controversial siting of LNG facilities has found both support and opposition, finding some residents supporting a substantial source of energy and others opposed because of concern about a potential terrorist target, interference with the lobster industry, navigation and spoiling the coastal vistas and land values. Each community has had the opportunity to have their say through referendums. Each resident was able to cast a vote, whether yes or no, as to what he or she thought was best for their community and for their State.

I have had great concerns about handing this very siting decision solely over to a Federal agency and feel very strongly there should be a process in place where the Governor, speaking for the people of Maine, must have an equal voice in the decisionmaking process. The voices of the communities should be heard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to join Senator FEINSTEIN as a cosponsor of my colleague Senator SNOWE and many other cosponsors.

The siting of liquefied natural gas import terminals is a critical issue of importance to Rhode Island as the Federal Energy Regulatory Commission is considering two proposals: the Deepwater Port Act. This project poses serious risks to the State of Rhode Island and the coastal landscape and a facility that needs to be fed LNG from 13-story-high tankers coming into the port each and every day.

In its current form, the Energy bill before the Senate gives exclusive authority to the Federal Energy Regulatory Commission in selecting LNG sites. This would effectively eliminate any input from State governments into the selection of these locations. Moving total control to FERC transfers an enormous power to an unelected Federal agency which has no accountability to the local communities affected. Without the amendment, local sentiments will go unheard or be simply ignored. To foist upon a State and a local community and to exclude them from the process is clearly unwise.

Within our Union of States, unique State concerns must be recognized in Federal Government decisions. It is the States rights issue, plain and simple. The placement of an LNG facility in a given locality alters the landscape of that community. They are entitled to be involved in a decisionmaking process that allows the voices of the community to be heard.

Let us ensure that the safety, the environment, and local concerns are observed and that we include our State governments as coequals. I ask my colleagues to join me in supporting the Feinstein-Snowe amendment. I thank the Senator from California for offering it. It is critical, knowing the experience that has occurred in Maine. With many communities having voiced their opinions on a particular siting for an LNG facility, it is important they are able to participate in the process. I do not believe we should allow the Federal Government to supercede the ability of people to ultimately make a decision that transforms the landscape that clearly does have a direct impact on those communities. That is a decision that should be determined by the people in a particular State. That is what has been happening in my State. It should be able to happen and occur in each State in the country. We should not allow Federal legislation to supercede or to prevent States from being able to voice their opinions, their decisions, and their own regulations with respect to siting these facilities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. LUTZ. Mr. President, I rise to join Senator FEINSTEIN as a cosponsor of my colleagues, Senator SNOWE, Senator SESSIONS, Senator KENNEDY, and many other cosponsors.

The siting of liquefied natural gas import terminals is a critical issue of importance to Rhode Island and the coastal areas. We have catastrophic effects on the State of Rhode Island. Anything that happened here would have a huge impact on the people of Rhode Island.

LNG ships will have to transit Narragansett Bay to get to both of these facilities. The route of transit would be this way, coming off of Block Island Sound. It will pass between Newport, RI, and Jamestown, RI, Newport is one of the most populated cities in our region. It is densely populated. We all know it as a place of tourism and recreation. The boats, literally, would be within hundreds of yards of critical installations—hotels, hospitals, et cetera. Then it would move up, if it is going to Weaver’s Cove in Fall River, this way, and would move up under several bridges until it got to the city of Fall River.

The KeySpan proposal would require the transit of a ship going up this way and then moving up around and all the way into Providence, RI, the most densely populated part of the State of Rhode Island. The transit of people and, indeed, where all of these bay-side areas are being developed intensively.

This project poses serious risks to the State of Rhode Island and the coastal areas. It is incumbent we provide local authorities with the ability to effectively involve themselves in the decisionmaking process. We understand there are certain Federal laws that give authority to the State to participate in these decisions with respect to siting these facilities. The Clean Air Act, Coastal Zone Management Act—but none of them give the kind of clear involvement and clear leverage that State leaders need to effectively involve themselves in this decisionmaking.

Our amendment ensures that States have an authentic voice in the siting of LNG terminals by giving Governors the same authority to approve or disapprove onshore terminals that they now have over offshore terminals under the Deepwater Port Act.

It seems incongruous that Governors would have the authority to veto an offshore project but they have no meaningful involvement on onshore projects placed in the heart of urban areas.

Let me know on the impact this proposal will have on the city of Providence. The KeySpan proposal would be situated right here, as shown on this chart. Within a very short radius, we have our largest hospital in the State of Rhode Island, our major medical center. We have thousands of homes. We have the downtown business area. Anything that happened here would have catastrophic effects on the State of Rhode Island.

To say the Governor cannot take into consideration factors such as safety and security ignores the current situation we face as a nation. These are very attractive targets to those people who want to seriously harm us, both in a physical sense and a psychological sense. We have to provide, I believe, at the local level, a meaningful way for Governors to participate in the siting of these facilities.

Again, it is not just a situation where they do not want it in their particular area. We understand there is a need for liquefied natural gas. We understand it is becoming an increasingly more important component of our energy sector. But we have to have the ability to make safety issues and security issues.

This is particularly important after the report from the Sandia National Laboratories that said a terror attack on a single delivering LNG to a U.S. terminal could set off a fire so hot it would burn skin and damage buildings nearly a mile away. A mile from this facility encompases huge swatches of Providence, RI, Cranston, RI, East Providence, RI, major medical facilities. This would be a devastating blow.

Now, if the odds of such an attack, we hope, are very low, but the low odds, together with the huge consequences, suggest we have to be careful about what we do here today. I believe, give our local leaders, our Governor particularly, the ability to participate in this approval process.

I am confident this amendment will do that. It will require FERC and other Federal agencies to work more closely with Governors and State environmental authorities and the first responder agencies that have firsthand knowledge of the geography and the population of these particular areas.

We want to bring more natural gas to our communities, but we do not want to jeopardize the safety and the security of our communities in a world
today, regrettably but actually, very
dangerous and very capable of these
types of attacks on these types of fa-
cilities.
So I urge all of my colleagues to sup-
port Senator FEINSTEIN. I thank her for
her leadership. This is very typical of
her very thoughtful review of this bill
but particularly this aspect of LNG.
I yield the floor.
The PRESIDING OFFICER. The Sen-
ator from California is recognized.
Mrs. FEINSTEIN. Mr. President, I
thank the Senator from Maine, the
Senator from Rhode Island, and the
Senator from Massachusetts for their
comments. I believe that consumes the
time I have; is that correct?
The PRESIDING OFFICER. The Sen-
ator has 1 minute.
Mrs. FEINSTEIN. Mr. President, I re-
serve the remainder of my time.
The PRESIDING OFFICER. The Sen-
ator from New Mexico is recognized.
Mr. DOMENICI. Mr. President, par-
liamentary inquiry: How much time do
we have in opposition to the amend-
ment?
The PRESIDING OFFICER. The Sen-
ator has 30 minutes.
Mr. DOMENICI. Thirty minutes. I
yield to the distinguished junior Sen-
ator from Tennessee 7 minutes to start
our debate.
I yield the floor.
The PRESIDING OFFICER. The Sen-
ator from Tennessee is recognized.
Mr. ALEXANDER. Mr. President, I
thank the distinguished Senator from
New Mexico and also the Senator from
California for her contribution to the
debate.
Let me begin by saying what we are
talking about here. Sometimes we
jump into subjects assuming everybody
knows what we are talking about and
it is not altogether clear.
We are talking about bringing nat-
ural gas from other countries into the
United States to put in our pipelines,
which will then be transported to be
used in our industries, which use it to
make chemicals and cars and other
things, such as our industry which
makes fertilizers for our farmers, and
to use it in our homes so we can heat
and cool them.
We have a terrific problem with nat-
ural gas. There is a lot of talk about
gasoline, a lot of speeches being made
about the prices at the pump. That is
by far not the biggest problem we have
in the United States right now in term
of energy. Our biggest challenge
is the price of natural gas.
Now, why is that? For example, down
in Tennessee—I have used this example
many times, but it sticks out vividly in
my mind—there is a company called
Eastman Chemical. They employ 10,000
or 12,000 people—blue-collar workers,
white-collar workers. They have for
three generations. Forty percent of
their cost is natural gas to make
chemicals. There are 1 million blue-col-
ar workers just like that across our
country.
The price of natural gas in the
United States is at a record level. It
has gone from the lowest in the indus-
trialized world to the highest in the in-
dustrialized world at $7 a unit. If it
stays there, more and more of those
jobs are going to be in Germany and
other places where it is cheaper. So if
we do not bring the gas in, the jobs are
going out.
Now, how can we get a greater supply
of gas? The Domenici-Bingaman bill has
everything in it to help do that,
but most of it is over the long term.
New nuclear power would help, but it
could take years. Gasification with
carbon sequestration would help,
but it will be a few years. Oil savings
will help. It will take a little while,
too.
The only thing that is going to help
right now is new supplies—and it is
pretty hard to get that in the United
States—conservation—that is really
where we ought to start—and the only
thing left is liquefied natural gas.
The experts—the American Gas
Foundation—we bring in liquefied nat-
gual gas, the price of $7 a unit might
go down. It might go down to $5 a unit.
These jobs might stay here. These farmers
might not have such a big pay cut, and the home-
owners might not get a big raise. But if we
not bring in natural gas, which is a
very small part of our supply right
now—2, 3, 4 percent—if we do not bring it
in, the price of natural gas may be
$13 a unit.
That will be a crisis for this country.
It will not matter what the price of
gasoline is in this country. If the price
of natural gas is $13 a unit, we will not
have anybody with enough money to
buy gasoline because they won’t have
any money. They won’t have a job.
Their job will go overseas.
Why are we not bringing in more liq-
uefied natural gas? Because we need
terminals to store it in before we put it
in our pipes. We only have four. We
need a lot more. We have 31 applica-
tions for those onshore and offshore.
But we have a process that is broken.
It is filled with uncertainty. It is in the
courts. If we do not give it some cer-
tainty, the jobs will go overseas, the
farmers will be taking a pay cut, and the
homeowners are going to be paying
bills they cannot afford to pay. So
what the Domenici-Bingaman legisla-
tion does is give it some certainty.
Now, there is always the question of,
What do you do about eminent do-
very much. Cooper County has
a little over 10,000 acres of farm land.
That would be the Federal Energy Reg-
ulatory Commission. It has the respon-
sibility. Someone needs to have the
sole responsibility for siting these
plants.
Then, what do you do about State
and local governments? Well, there
were a lot of choices. One choice
would have been to cut them out. That is
not the proposal here. I would not have
supported it if it were.
Here is what a Governor can do: A
Governor has many rights under the
Coastal Zone Management Act in
terms of the location of an LNG ter-
inal. If a Governor objects under the
Coastal Zone Management Act, it is
true the Secretary of Commerce might
overrule them. But in a country that
values federalism, if a Governor objects
in a strong way, that is a very powerful
decision.
But even if the Governor were over-
ridden, the Governor has some other
tools at his or her disposal, if the Gov-
ernor objects. There is the clean water
certificate, which the State issues.
There is the clean air certificate,
which the State issues. Nothing in this
act changes that. The State still has to
do it.
So there are three: the Coastal Zone
Management Act, the Clean Air Act,
and the Clean Water Act.
Now, in addition to that, nothing in
this legislation speaks of eminent do-
main. We do not grant eminent do-
main. There is no explicit grant of emi-
nent domain in this legislation, and
there are local zoning and land use
planning rules in almost every commu-
nity that would have to be respected.
So I believe if I were the Governor of
a State and I really did not want an
LNG terminal, I would have plenty of
tools in my arsenal to do that.
We have 31 applications around the
country. We only need a few more LNG
terminals. It will be better for the re-
gions of the country if they are located
in the proper place. I do not know why
the people in New York City would
want to pay super-high natural gas
prices. If they do not, they need a ter-
mal up there so the gas does not have
to be shipped up from New Or
So all these factors have to be taken
into account. But my points are these:
I believe the Domenici-Bingaman legis-
lation has achieved the right balance
on crisis issues. If there is one thing
this legislation does—this whole bill
does—that is important, that will
affect the largest number of Americans,
it is will lower the price of natural
gas. This may be the most important
provision in the bill for that purpose
because it will permit the bringing in
of an immediately supply of natural gas.
When the supply comes in, the price
should stop going up and hopefully,beg
now down very much and all the
other provisions in here—for conserva-
tion, alternative energy, oil savings—
are used.
So I commend the Senator for his proposal. It is the right balance. I believe it is the most crucial part of the legislation we are considering if what we want to do is bring down prices. It gives the Governor a good measure of authority and respects local zoning and land use planning. It clearly will permit us to go forward and find a few more places. My guess is there will not be a natural liquefied gas terminal unless there is some consensus within the community and the State that it should.

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

Mr. BINGAMAN. Mr. President, let me speak also in opposition to the Feinstein amendment. Federal jurisdiction over the siting of import and export terminals is constitutional, it is appropriate, it is a necessary part of this energy bill, in my view, and of any national rational national energy policy.

Obviously, as the Senator from Tennessee pointed out, an adequate natural gas supply is extremely important to our nation’s economy. The regulation of foreign commerce, such as import and export terminals for LNG, is a Federal role under our Constitution.

The States have a legitimate interest, an interest in protecting their environment and the health and safety of their citizens. But the Feinstein amendment is not necessary because State participation authority in the LNG siting process is already very robust. For us to add another provision of law that says after the NEPA process is completed a Governor can come in and veto the siting of an LNG facility would be bad policy. In my view, the amendment being offered ignores the current State authority and turns the process on its head.

Today, for both offshore and onshore LNG proposals, State agencies with environmental and related permitting authority are active participants in the NEPA process. Furthermore, an applicant must obtain all of the required State and local permits before that applicant can construct and operate an LNG terminal.

The bill which we have reported out provides that there is no intention in our legislation to discourage industry from developing LNG proposals, State agencies with environmental and safety issues that need to be resolved.

The amendment also allows the Governor to require the FERC to impose conditions on the LNG project to make it consistent with State environmental laws. But the veto and the consistency provisions in the Feinstein amendment duplicate authorities the States already have under other laws. The Coastal Zone Management Act requires that an applicant seeking a Federal permit to construct an LNG terminal in a coastal area prove to the State that the activity will be consistent with that State’s coastal environmental laws. If the State denies the consistency determination, the Federal permit cannot be issued. This effectively vetoes the project. There is a limited right of appeal to the Secretary of Commerce.

The Clean Water Act requires that an applicant obtain from the State a section 401 certification that the facility will comply with the act, including the State’s water quality standards. Denial of this certification effectively vetoes the project. Finally, the opportunity appeal that is provided for is to the State courts.

The committee bill does not take away any of these powers, nor does it affect the State and local laws that require project applicants to obtain dozens of permits for LNG facilities.

I ask my colleagues: Why do we need to add this additional authority? It will discourage States from engaging in the NEPA process for a project that has been determined in its early alternative sites can be identified and safety measures can be required. Indeed, the prospect of the Governor waiting to interject himself and the State at a later point in the project after the environmental impact statement is done will discourage industry from developing the LNG terminals that the country will need in the future.

Let me mention one other fact. I know the Senator from Rhode Island was talking about problems. He mentioned the KeySpan project in his State. FERC currently is actively engaged in assuring that these facilities are sited in safe locations. The Energy Department has spoken in it with the headline “FERC Staff Flunks Rhode Island LNG Facility on Safety.”

In this article they point out that “the Federal Energy Regulatory Commission staff, in a final environmental impact statement, said Friday that a controversial liquefied natural gas terminal project in Rhode Island would flunk Federal safety standards with inadequate earthquake protection and an insufficient fire buffer.”

Then the article goes on to say:

... it is highly unlikely that FERC would vote to approve the project over the findings of the final [environmental impact statement] which said rather bluntly: ‘KeySpan’s LNG’s proposed LNG import terminal would not meet current LNG safety standards... [and] KeySpan LNG has not provided any data that show that the proposed import terminal can be brought into compliance with the current safety standards.”

I cite that to make the point that FERC is doing its job. They are not trying to put facilities or permit facilities at locations that cannot be there. They are taking into account the concerns of the local community and the concerns of the States. They are flunking applications where those concerns are valid.

We have tried to protect the rights of State and local concerns in this legislation. I believe we have done that. I urge that we not adopt the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I hope that Senators and those advising Senators listened carefully to the two arguments that have already been made.

In particular, I commend both Senators and those advising Senators. But let me say, if you listen carefully to the argument that Senator BINGAMAN, my colleague from New Mexico, just made, it should be clear that there is no intention in our legislation that local authorities be usurped. There is no intention that the environmental law of the land—NEPA—not be complied with. As a matter of fact, it is required.

There is nothing in this law that will take away the myriad of State requirements and do anything other than say they must be complied with.

I have behind me a chart which summarizes that permit and certification approval that must take place before we get to the final stages. And you go through a myriad of activities. We are talking about California: Fish and Wildlife, the Department of Transportation, regional water quality, California State Historic Preservation, storm water discharge associated with such project development, all of these things, including a full analysis as required by the National Environmental Policy Act, NEPA.
As we wrote this bill, we were trying to write national energy policy. Our country has been accustomed to a myriad of regulatory constraints and litigation before issues that are significant to our Nation’s energy come to an end. There was protection with reference to the citizens, the location, and the States in the existing law of our land, and we didn’t touch it. We merely said, in the final analysis, the last step will be decided by FERC, the Federal Energy Regulatory Commission.

This is a national energy issue. For anyone who thinks this is purely a simple issue of whether a Governor, when this process is all completed, ought to be able to say with a pen “I veto this,” that is not the case. Any Governor who wants to participate and have a meaningful decision-making involvement has ample opportunity to do so, and they will. They will be heard.

In this analysis, this country cannot wait and sit around and say: We will wait until this matter is litigated. We will wait until we see how many Governors want to say no, until we find that is not the case. Any Governor who is worth his salt—and probably all of them are—you can rest assured will be involved in the final analysis. Any Governor who is worth his salt—and probably all of them are—you can rest assured will be involved in the final analysis. They just are not going to be able to say: Well, I watched it all, I have looked at it all—or, as Senator BINGMAN says, perhaps they will let it all go by—and when we are finished, I will make a decision. They could say that. But I don’t think that is going to happen.

First of all, we are not going to let that happen. But nobody is going to do that. They are going to get involved in all of these things that are here. In California, on the local level, you have to go through the Port of Long Beach, a harbor development permit, a building permit, the Port of Long Beach Development, city of Long Beach Engineering and Public Works. All of these things have to be done. We are not going to roll anybody over.

But in the final analysis, the States should be involved in that. If a Governor is concerned about his people, he should be involved. And, frankly, there is no doubt in my mind that if some mistakes are being made, they are going to get caught. Senator BINGMAN just cited one. They aren’t even close to a permit in one application. What has FERC said? They sent their people out to look at it. They said: Forget about it. It flunks the test. They didn’t only fail their test, they would fail anybody’s test. It would fail the test of any one of these entities. So it wouldn’t be built.

But let me suggest, we have gone through making mistake after mistake by piling regulatory authority upon regulatory authority, to the extent that we have ended up saying: OK, give up. We are just not going to do that. The best example is nuclear power. I don’t mean to have a big debate on it. But we decided that we should take care of that by litigation. We said: We will purify the shortcomings by going to court. We found out, if you go court enough times, you kill anything because you can’t get the money invested. It is a business. It must be done on the basis of financial returns, probability and risk.

I also want to say that something has been said here today about the risks involved in LNG. I don’t want to get into a debate of risks involving LNG ports. I suggest the Sandia National Laboratory report that was alluded to earlier by the distinguished Senator from Massachusetts. But rather than pick one section from it and reading it, it concludes that the chances anything serious will happen are minuscule. Everything you do of significance has a risk. If you don’t want to risk your legs wearing out, don’t get out of bed in the morning. Lay in bed your whole life. You sure won’t hurt your knees. You may not be able to do anything, but you won’t worry about that risk. There is a risk in everything involved in energy, but a minor risk when it comes to LNG ports. That is throughout this Sandia report.

This is an aside, just to say nobody is trying to take a risk-laden act for the location of a site and escape scrutiny. Nobody is suggesting that in this bipartisan bill that passed the committee 22 to 1. Nobody is suggesting that we are enhancing the risk of doing something we must do. Not at all.

I will close by saying something I believe everybody should understand. It is consensus interpretation that right now, today, without this bipartisan bill, the Federal Government has a say-so about location. I can cite various commissions, various legal opinions. But understand that when such an issue is contentious, imagine how long it could take to get a decision made about something important to a country—how many years.

I note the presence on the floor of a distinguished lawyer, the Senator from Alabama. I don’t know where he is on this issue. As a States rights Senator, he probably thinks this is a States right issue. I am a States rights Senator, too, but I don’t think it is. He knows how many years of litigation it would take. Would it take one? It could take four or maybe more. It would go through district court, Federal court, an appeal, they would redo it, and then somebody files an injunction and they take another appeal—while FERC says, why don’t we locate a port and bring this LNG in here? Close by saying that we are dependent upon crude oil from overseas for our very survival. I wish I could tell you we are not going to become dependent upon natural gas from overseas, but that is not the case. We are the countries that are going to spend so much money making sure they develop the kinds of boats needed to bring it over here that
are safe. I heard from one country that they are going to invest billions of dol-
ars for the safety of the hulls of those
ships that are going to bring it over here because they, too, know they can-
not have accidents. All of this means
this is prohibited to the States and the
people. We hope we don’t make it
such that it is more profitable because the
supply is limited because we can-
not act.

So this is a provision in our bill
which we think with extreme pru-
dence. Act only after you go through
every hoop you could go through. But
don’t, at the end of it all, say: Gov-
ernor, after all, it is a national problem
studied by everybody, with environ-
mental impact statements completed,
local zoning ordinances, and the Gov-
ernor could get involved and argue and
send his people, and when it is finished,
he can take out his pen and say I veto
it. I don’t think that is the way to do it.

I have not made my argument with
as much legal precision as my friend
Senator BINGAMAN, but I do believe I
have stated the case—not the case for
California, but the case for America.
Let me say there is no better advocate
than the people of California. But I admit there is no State that makes
more decisions against producing en-
ergy in their State for their people
than California.

My time is expired. I yield the floor.
Mr. SHELBY. Mr. President, I am
pleased to join my colleague from Cali-
ifornia, Senator FEINSTEIN, as a cospon-
or of an amendment to ensure there is
State authority in the siting of liq-
uidified natural gas (LNG) facilities.

I am troubled by section 361 of the
underlying Senate energy bill that pre-
empts State authority and gives exclu-
sive authority to the Federal Energy
Regulatory Commission (FERC) to ap-
prove or deny an application for the
siting, construction, expansion and
operation of LNG facilities within State
boundaries. Extreme care must be
taken to ensure that no energy project undermines the economic and environ-
mental well-being of a State. The pro-
vision in the energy bill undercuts the
rights of States to determine how best
to protect their natural resources, eco-
yomy and residents. It erodes State
authority under the Coastal Zone Man-
gement Act, the Clean Air Act, and the
Federal Water Pollution Control
Act, to name but a few landmark envi-
nmental pieces of legislation that have
established and affirmed the crit-
ical role of States in setting energy pol-
icy.

Our amendment seeks to provide dual
jurisdiction for States and the Federal
Government, with respect to LNG fa-
cilities, similar to the provisions of the
Deepwater Port Act of 1974 and as last
amended in 2003. We are not inventing
any new authority. Our straight-
forward amendment would require that
FERC shall not approve an LNG license
without the approval of a Governor. It
defines common sense to have the voice
of the States silenced by the Federal
Government. The will of the people
must be heard.

Frankly, I do not see the need to turn
our siting authority on its head. It is
my understanding that as many as six
LNG facilities have been approved by
FERC and two additional facili-
ties have been approved by the Mar-
time Administration (MARAD). These
new facilities would join the 4 cur-
cently operating LNG facilities—facili-
ties that have been necessary for
many years. In February, the current
FERC Chairman stated that he ex-
pected at least eight new terminals for
LNG to be built in the next 5 years.
That many have already received
FERC clearance, but there are another
16 proposals with FERC, 7 proposals
with MARAD and another 10 potential
sites identified by project sponsors.

I understand the need for increasing
our supply of natural gas. But I am
concerned that an over-reliance on LNG
facilities will simply shift this coun-
try from a reliance on foreign oil to a reli-
ance on foreign sources of LNG. It is
my understanding that Iran, Qatar and
Russia hold more than half of the
world’s natural gas reserves. In April,
Qatar, Iran, and Nigeria, among others,
and other natural gas producing na-
tions met to discuss LNG pricing con-
cerns, leading many to believe there
is a will to some day form an OPEC-like
structure.

One of those LNG proposals before
FERC would be located in Long Island
Sound. While this structure is not on-
shore, it is still within State bound-
aries. It would tentatively be posi-
tioned about 11 miles from Connecticut
and 9 miles from New York. According
to the company’s own pre-filing with
FERC, the floating storage and regas-
figation unit (FSRU) would be
about 1,200 feet long and 180 feet wide.
This is longer than 3 football fields and
160 times the height of the Capitol from the
floor of the water. That is about one-
third the height of the Capitol from the
face of the water. That is about one-
fourth the height of a football field. The
structure would stand 100 feet above the
surface of the water. That is about one-
hundredth the height of the Statue of
Liberty.

After warming the LNG to a gas, it
would be transported in a NEW pipe-
line under Long Island Sound to an ex-
isting underwater pipeline. The struc-
ture would receive LNG shipments
every 3 to 4 days and these tankers are
projected to be nearly 1,000 feet long.
This will not benign actions. The con-
struction of the LNG structure and a
new pipeline, combined with the on-
going tanker activity would have an
immediate and immense impact on
Long Island Sound and the states of
Connecticut and New York. Tanker ac-
tivity alone could cause such an exclu-
sion zone that normal commerce and
recreation on Long Island Sound could
be dramatically impaired. It is impera-
tive that the governor have authority
to determine whether this project is
safe, economical and reliable.

Let us not forget, this proposed
structure would be smack in the mid-
dle of Long Island Sound. Any attempt
to move it away from Connecticut only
moves it closer to New York and vice
versa. Long Island Sound is an estuary
of national significance, but it is only
21 miles at its widest. There is not a lot
of wiggle room for this structure. More
than 8 million people live and vacation
time in Long Island Sound. Con-
necticut and New York have already
spent millions of dollars and dedicated
millions more to restore the health of
the Long Island Sound ecosystem. A
healthy habitat ensures a prosperous
restaurant and commercial fishing
industry, boating, swimming, and an
overall thriving tourism industry.

Long Island Sound provides an eco-
nomic benefit of more than $5 billion to
the regional economy.

So, as this process moves along, deci-
sions regarding the siting of an LNG
facility must take into account its
safety and security, its environmental
impact, its actual energy benefits and
its general fit within Long Island
Sound. LNG facilities must be sited
smartly and our governors must have a
final say. I ask my colleagues to sup-
port this amendment.

Mr. SHELBY. Mr. President, I rise
today to speak in relation to the Fein-
stein amendment.

The issue of liquefied natural gas, or
LNG, has become one of great concern
In my home State of Alabama and to
many others across the country. I be-
lieve it is important that LNG be part
of our Nation’s energy plan. However,
we must ensure that these facilities are safe and are sited in
appropriate locations that have the
support of the local communities and
the State.

I recognize that the Federal Govern-
ment should have the authority to site
and permit these facilities—but not
without the input of the State and the
local community. I do not believe that
the Federal Government should run roughshod over State and local
interests. It is imperative that they be pro-
tected throughout the siting process.

To that end, I believe that a clear and
direct line of communication between
the Federal Energy Regulatory Com-
mision and State and local govern-
ments be established—because I do not
believe that the current process pro-
vides such an avenue.

However, I do not believe that the
Feinstein amendment is the appro-
priate way to ensure this relationship.

While I am firmly committed to States
rights, I believe that giving a State
“veto” power over the siting of an LNG
terminal is contrary to the Constitu-
tion and in my opinion, not in the best
interests of our Nation. The interstate
commerce clause clearly places mat-
ters of interstate and foreign com-
merce in the hands of the Federal Gov-
ernment.

I believe that we can provide an a-
venue for State and local involvement
while still preserving the constitu-
tional role of the Federal Government
in matters of interstate commerce. To
that end, I have worked with Chairman
DOMENICI and Senator BINGAMAN to craft language that strikes that important balance. I believe that we have crafted a proposal that does just that and would encourage my colleagues to consider that language before we end debate of LNG.

The proposal that I reference will provide our State and local communities with a strong voice in the permitting and siting process of LNG facilities while maintaining the critical role that Federal Government plays in interstate and foreign commerce. This language ensures that State and local authorities are represented by a single party or agency throughout the process and that their concerns regarding safety, security, and environmental protection are clearly articulated and acknowledged. In addition, the language also clearly lays out the process for developing a cost sharing plan between the industry and the State local, and Federal agencies tasked with maintaining safety and security around the facility. This will ensure that these facilities do not tax the response systems to the detriment of the surrounding community.

I have been involved in the debate over LNG for the last several years and my goal and concern has been and always will be to protect the citizen of Alabama while also providing an opportunity for the development of a critical asset. I thank Chairman DOMENICI for his willingness to work on this issue and find a common ground.

Mrs. BOXER. Mr. President, I am pleased to co-sponsor Senator Feinstein’s amendment with Chairman DOMENICI and other colleagues. LNG is a major source of energy for the U.S. and a clear role in bringing safety and security concerns. In addition to providing Governors with veto authority on the siting of onshore liquefied natural gas, LNG, terminals based on safety, security, and environment.

The underlying bill grants exclusive jurisdiction to the Federal Energy Regulatory Commission for the siting of LNG facilities. Unfortunately, this model minimizes the opportunity for important State interests regarding public safety, security, and environmental concerns to be adequately addressed within the LNG siting process.

The Feinstein amendment is simple—it allows the Governor of affected States to approve, veto, or condition the siting of onshore liquified natural gas, LNG, terminals to provide States with the authority they need to protect their citizens' safety, security, and environment.

Furthermore, the Feinstein amendment makes sense. Under the Deepwater Port Act of 1974, the Governors of adjacent coastal States already have the ability to veto, approve, or condition the siting of LNG terminals located outside of their jurisdiction in Federal waters. Affected States should have the same authority over LNG facilities located off coastal States that they already have over facilities sited in Federal waters. The Feinstein amendment grants states this important role over LNG facilities proposed within their jurisdiction.

The Feinstein amendment is critical to assure that safety and homeland security concerns related to LNG facilities are addressed. Since 1944 there have been 13 serious accidents at onshore LNG facilities. A recent LNG accident in Algeria killed 27 workers, injured 74 others, and was reported to be the worst petrochemical fire in California in more than 40 years.

Several reports have cited the potential homeland security challenges posed by LNG terminals, delivery tankers and their role in a potential terrorist attack. The potential impacts of a well-coordinated terrorist attack are immense. A December 2004 report by the National Security Council reported that an intentional LNG spill and resulting fire could cause “major” injuries to people and “significant” damage to structures within approximately .3 miles of the spill site, more moderate injuries and structural damage up to 1 mile from the spill site, and lower impacts out to 1.5 miles.

Given these potential safety and homeland security concerns, Governors should have a clear role to play in the siting of LNG facilities within their jurisdiction. I urge my colleagues to support the Feinstein amendment that will support the rights of States to adequately protect their citizens’ safety, security, and environment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I understand I have a minute remaining.

The PRESIDING OFFICER. That is correct.

Mrs. FEINSTEIN. However, Senator SESSIONS has asked to speak for 3 minutes, and then I would like to have 1 minute to wrap up, if I might. I ask unanimous consent that the time be extended in that regard.

Mr. DOMENICI. Reserving the right to object, I have no objection if we add to that that we have the same amount of time added to our side.

The PRESIDING OFFICER. There would be 3 minutes additional to each side. Is there objection?

Mrs. FEINSTEIN. Three minutes for Senator SESSIONS, and 1 minute for Senator DOMENICI, and 1 for me?

The PRESIDING OFFICER. As the Chair understands the request, there would be 3 minutes for Senator SESSIONS, Senator FEINSTEIN’s remaining 1 minute, and 3 minutes for Senator DOMENICI.

Mrs. FEINSTEIN. Three additional minutes?

Mr. DOMENICI. We are adding 3 minutes to the Senator’s time, so we should get 3 minutes. The Senator’s doesn’t count because she has it anyway.

Mrs. FEINSTEIN. OK.

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

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I express my admiration for the Senator from New Mexico and his leadership on this bill. In his heart, he is right and fundamentally correct that this country needs to produce more energy. The State of Alabama has been very aggressive in supporting our Nation’s need for energy. We have wells drilled right off our coast, and we believe that is good for this country. As a matter of fact, off our coast, beyond a 3-mile or 9-mile limit it is Federal
FEINSTEIN: Mrs. FEINSTEIN. In the first place, I appreciate that, Mr. DOMENICI. It is the Senator's right to object. The PRESIDING OFFICER. Is there objection to the unanimous consent request for 1 additional minute on each side? Without objection, it is so ordered.

Mr. FEINSTEIN. Mr. President, the Deepwater Port Act gives Governors the right of veto over an LNG port 3 miles or more offshore, but this bill prevents them from having any authority if there is a proposal for an LNG terminal right on State land, right in the heart of a metropolitan area, right where it presents a danger to citizens, right where it could present an environmental disaster. This is an idiosyncrasy which is wrong. All we have done is replicate the Deepwater Port Act's authority.

The other point I wish to make is that there is in this bill the right of appeal. There is the right of the Commerce Department to step in and reverse anything a State does in this regard. There will be an LNG terminal sited, let there be no doubt about it. The key is to site them smartly, to site them where they make the best sense.

I thank the Chair.

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

Mr. DOMENICI. Mr. President, I yield my minute to Senator CRAIG.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CRAIG. Mr. President, I hope Senators today will oppose the Feinstein-Snowe amendment for a very clear reason. In 1974, when the Senator from California refers to this port act, we did not have a lot of the law in place that we now have today.

This is not a closed-door process. Using the Natural Gas Act allows FERC to do all it needs to do to protect the public—public hearings, public involvement. If we are going to let NIMBYism at the State level destroy the ability of this country to build the kind of natural gas infrastructure we need today, that we do not have today that is driving the chemical industries offshore, that are shooting our prices
up, then allow NIMBYism to exist within the law.

I am a State rights person.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. CRAIG. I will not yield. This is a closing statement. We have Senators who need to have the vote and get to their committees.

I am a State rights advocate, but I also recognize the Constitution and the interstate commerce clause and what we have to do to facilitate this. I ask Senators to vote to table the Feinstein amendment.

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

Mr. DOMENICI. Mr. President, I move to table the Feinstein amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll. The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

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

The result was announced—yeas 52, nays 45, as follows:

[Roll Call Vote No. 146 Leg.]

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, obviously there is no time agreement, but I understand Senator BYRD is ready to go, to proceed with his amendment. I ask for the Senator's consent to speak for 3 minutes on a different subject before he begins.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Louisiana is recognized for 3 minutes.

Ms. LANDRIEU. Mr. President, we just had a very vigorous and I think enlightening discussion about liquefied natural gas plants and the situation our country is in, about the desperate need that we have for additional gas in the Nation. We had a very good debate about how we were going to provide this additional gas. The technology has just been established in the last few years, allows us to drill for gas all over the world, to convert it to a liquid, transport it to our shores, turn it back into a gas, and turn on our lights, provide our energy, and help our economy move forward.

I thought the debate was excellent and in great detail. As usual, Senator Feinstein presented her position beautifully. We received letters from the Governors. Of course, our leaders, the two Senators from New Mexico, also stated their positions very clearly and the vote has taken place. Regardless whether the Domenici position prevailed, which it did in this case, or if the Feinstein position had been agreed to, we still have the situation of having four liquefied natural gas plants in the Nation—only one is in Louisiana. We are getting ready to bring in what some estimate as many as 40 or 50 of these new plants. They have to go somewhere.

I hope as this debate goes on, we can make the wisest decisions about the siting of these plants regarding their safety for our communities, their safety for the environment, and a revenue-sharing provision that would allow the communities that do host these liquefied natural gas plants some of the revenues because of the impacts that will occur. One way or another, there will either be security impacts or some environmental impacts—some impacts that the communities that do not bear this responsibility will now bear. This is particularly appropriate because this gas is not going to be used by the borough or the county or the parish in which it is sited; it is going to be used by the whole Nation.

I am going to have an amendment. It is going to be a sense-of-the-Senate amendment to get a study underway to see how these revenues could be shared appropriately with the 50 or 60 or 70 sites that are going to be determined in our country—whether they are in West Virginia, whether they are in Louisiana, whether they are in Massachusetts or California. Our communities deserve to have some funding to help with these impacts.

I thank the Senator from West Virginia for his graciousness in allowing me to speak, and I put the Senate on notice that this amendment will be coming later this afternoon.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will shortly offer an amendment to the Energy bill to provide relief for rural workers, some relief for rural workers from high gas prices. Before I do that, I thank Senators GRASSLEY and BAUCUS for their time and their efforts concerning my amendment. Always courteous, always candid, always gentlemen—each embodies the spirit and the harmonious character of a U.S. Senator. I am talking about Senator Grassley and Senator Baucus.

I will shortly send to the desk a modified version of my amendment which I have discussed with the chairmen and ranking members of the Finance Committee and their staffs.

I will also ask Senators LINCOLN, ROCKEFELLER, HARKIN, and PIRSCH to be added as cosponsors, but I am not asking that right at this moment.

As the debate today in the context of skyrocketing life-altering gasoline prices. The people out there watching the Senate through those electronic lenses, many of them know what I am talking about. The American public is reminded, day after day after day—as they drive to work, as they drive their children to school, as they drive to the local market, they are reminded of the outrageous cost of gasoline and how it squeezes their pocketbooks. That fact alone is probably the single most important catalyst for this Energy bill. Yet Senators candidly acknowledge, as has the President, that no energy policy can immediately deliver lower prices at the fuel pump.

I don't say that to criticize the efforts of the managers of the bill. They rightly are looking to the future with the hope of weaning—weaning—America from its dependence on foreign oil. I have been talking about this for years.

They are setting admirable goals and I hope that we move quickly to meet them. But—that conjunction "but"—in the meantime, while we wait for countless production incentives and numerous Federal programs to take effect, American workers—American workers—suffer, suffer daily at the fuel pump. The impact of high gas prices is burdensome in many cases and devastating in other Energy bill to take effect, American workers—American workers—suffer, suffer daily at the fuel pump. The impact of high gas prices is burdensome in many cases and devastating in other Energy bill to take effect, American workers—American workers—suffer, suffer daily at the fuel pump. The impact of high gas prices is burdensome in many cases and devastating in other Energy bill to take effect, American workers—American workers—suffer, suffer daily at the fuel pump. The impact of high gas prices is burdensome in many cases and devastating in other Energy bill to take effect, American workers—
high gas prices have had on rural areas in this country. You talk about rural areas; look at Maine. Look at West Virginia. Look at that map. I will talk about it in a moment. Residents of rural areas must drive longer distances to work and from work, inflicting burdensome costs on these rural workers. Rural areas have less access to public transportation. This means subways and buses are not usually available to rural workers.

Look at my State, a mountain State. Senators ought to know what it is like to wind around those mountains, up and down; steep going up and going down sometimes is worse. In Appalachia—that is what we are talking about, what I am talking about right now is Appalachia. Rural roads—come on over, Senators, and try some of those rural roads. Your head will be dizzy and you will be holding on with your fingertips and your fingernails will be white. It is tough. In Appalachia, twisting and bending around the hills and mountains, exacerbate the financial pain.

When gas prices spike, rural workers often have no extra income to absorb the increase, forcing painful cuts in essential expenditures. High gas prices hurt local businesses as workers are forced to scale back leisure activities and everyday comforts. Economic activity slows, communities are impacted, and savings shrink. These communities are crying out for action. They have no alternative means of transportation available to them to avoid driving, no subways. Go over to the Allegheny Mountains, you will not find subways. Those mountains are beautiful. I tell you, there is nothing like them, the Alleghanys. Appalachia, no subways. No mass transit. They are unlikely to benefit much from the energy conservation incentives designed for their urban counterparts.

These rural workers—hear me, hear me—these rural workers seek immediate relief. They want some help. They do not want tutorials about tax policy. They do not want equivocations about promises. They do not want rewards for saying things. These workers want immediate relief. And today, I am going to submit an amendment that will provide some relief to rural workers. It cannot do everything, but we are doing something. It can help to provide relief to working mothers, to fathers, both of whom are searching for ways to stretch their paychecks just a little bit further. You can only stretch that paycheck so far. It will not stretch any further.

It will benefit residents from the northern most areas of Maine. We can see Maine looking at the chart, right up there at the top, way up there. To benefit from the northern most area of Maine, the eastern part of the State would benefit from this amendment.

This amendment is the result of a compromise with the Finance Committee. I have been in Congress now 53 years. How about that—53 years in the House and Senate. I started out in the House. But you have to compromise. You have to do that in the House, compromise is the name of the business. You do not go for the kill on every bill, but you do what you can. Sometimes you have to do as much as you would like to do, but you do something, and later you do something more.

This amendment is the result of a compromise with the Finance Committee. It represents an acknowledgment by the Senate that rural workers can be affected more directly and harshly by high gas prices and that the Senate is beginning to respond to that reality.

This amendment can help to provide immediate relief to rural workers. It cannot do everything, but we are doing something. It can help to provide relief to working mothers, to fathers, both of whom are searching for ways to stretch their paychecks just a little bit further. You can only stretch that paycheck so far. It will not stretch any further.

It will benefit residents from the northern most areas of Maine. We can see Maine looking at the chart, right up there at the top, way up there, way up there. It will benefit the northern most areas of Maine, down the east coast, down the east coast, into the Appalachian region—there is home sweet home to me, Appalachia—Kentucky, Tennessee, and into the Southern States of Mississippi and Alabama. It will benefit residents throughout the rural heartland of America.

The dark areas are being pointed out by this fine young man. These dark areas are what we are talking about. These are the rural areas. Look at them on this map. The urban areas are the yellow areas. Look how big the map is when it comes to the rural areas. That is where a lot of rural people live. You talk about the grassroots of America. Go back to the rural areas. Those people in the rural areas have to, and they have to, take the mass transit in most of these areas. We are talking about the heartland of America: Iowa, Nebraska, the Dakotas, western. Turn westward young man, westward. West through Montana and Idaho, and along the west coast. Rural areas in California. California has rural areas, too. Oregon, Washington—rural areas along the west coast into Washington, Oregon, and California.

I say to the distinguished Senator from New York, there are a lot of people up there in rural areas in New York—Chuck Schumer, yes. He and Senator Clinton—man, they look out after their people. May the Lord bless them.

Much of the benefits are going to big oil, which today is reaping an enormous windfall from the high price of gasoline. Let me say that again: The House of Representatives passed $8 billion of very different tax incentives, many of which I support. The Finance Committee package will yield long-term benefits for the American people. As I have said, the chairman and the ranking member have been very gracious in considering my views regarding these matters. But the House of Representatives passed $8 billion in tax incentives, much of them going to big oil, which today is reaping an enormous windfall.

I say to the distinguished Senator from New York, there is a lot of people up there in rural areas in New York, that is what we are talking about. Eight billion, $8 for every minute since Jesus Christ was born. Now you can get an idea of what we are talking about. Eight billion, $8 for every minute since Jesus Christ was born. These different tax incentives, those billion of very different tax incentives, much of them going to big oil, which today is reaping an enormous windfall from the high price of gasoline. These tax breaks are in addition to the billions of dollars in taxpayer revenues dedicated annually to these companies.

This is an opportunity to vote for an amendment that will provide some relief—not enough but some. The Senate is, finally, about to recognize this problem. This is an opportunity to vote for an amendment that will provide relief directly and immediately. To whom? The little guy, the little guy. Man, you talk about me now, the little guy. The
Presiding Officer is for the little guy. That is what this amendment is about.

This is an opportunity to help working men and women today. Not enough, not enough, but it is a good start. We do not have to wait and hope gas prices will decrease. We can take some action now.

I urge adoption of this amendment which I now send to the desk. The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mrs. LINCOLN, Mr. ROCKEFELLER, Mr. HARKIN, and Mr. PYOR, proposes an amendment numbered 869.

Mr. BYRD. Mr. President, I ask unanimous consent of the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide relief from high gas prices.)

At the appropriate place insert the following:

SEC. 4. INCOME TAX EXCLUSION FOR CERTAIN RURAL CARPOOLS.

(a) IN GENERAL.—Section 132(c)(1) of the Internal Revenue Code of 1986 (defining qualified transportation fringe) is amended by adding at the end the following new subparagraph: "(D) Fuel expenses for a highway vehicle of any employee who meets the rural carpool requirements of paragraph (B)."

(b) LIMITATION ON EXCLUSION.—Section 132(c)(2) of such Code (relating to limitation on exclusion) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph: "(C) $50 per month in the case of the benefit described in subparagraph (D)."

(c) RURAL CARPOOL REQUIREMENTS.—Section 132(c)(1) of such Code is amended by adding at the end the following new paragraph:

"(8) REQUIREMENTS FOR EMPLOYEES PARTICIPATING IN RURAL CARPOOLS.—

(A) IN GENERAL.—The requirements of this paragraph shall be satisfied if an employee—

(i) is an employee of an employer described in subparagraph (B),

(ii) certifies to such employer that—

(I) such employee resides in a rural area (as defined by the Bureau of the Census),

(II) such employee is not eligible to claim any qualified transportation fringe described in subparagraph (A) or (B) of paragraph (1) if provided by such employer,

(III) such employee uses the employee’s highway vehicle when traveling between the employee’s residence and place of employment, and

(IV) for at least 75 percent of the total mileage of such travel, the employee is accompanied by 1 or more employees of such employer, and

(iii) agrees to notify such employer when any subclause of clause (i) no longer applies.

(B) EMPLOYER DESCRIPTIVE.—An employer is described in this subparagraph if the business premises of such employer which serve as the place of employment of the employee are located in an area which is not accessible by a transit system designed primarily to provide daily work trips within a local commuting area.

(d) TO EXCLUSION FOR EMPLOYMENT TAXES.—Section 3121(a)(21) of such Code (defining wages) is amended by inserting "(except by reason of subsection (8)(A)(i) thereof)" after "or 132."
to temporarily lay aside the pending amendment so that I may offer amendment No. 811.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

(Purpose: To provide for a national tire fuel efficiency program)

SEC. 142. MOTOR VEHICLE TIRES SUPPORTING MAXIMUM FUEL EFFICIENCY.

(a) STANDARDS FOR TIRES MANUFACTURED FOR INTERSTATE COMMERCE.—Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: "The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks.;", and

(2) by adding at the end the following:

(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

(2) The program shall include the following:

(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with information on tires.

(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

(D) The minimum fuel economy standards for tires shall—

(i) ensure that the average fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

(ii) secure the maximum technically feasible and cost-effective fuel savings;

(iii) not adversely affect tire safety;

(iv) not adversely affect the average tire life of replacement tires;

(v) incorporate the results from—

(A) laboratory testing; and

(B) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

(vi) not adversely affect efforts to manage scrap tires.

(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection. The Secretary may, as necessary, revise the standards to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to preemptive tire economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

(7) Nothing in this chapter shall apply to—

(A) a tire or group of tires with the same SKU, plant, and year for which the volume of tires produced or imported is less than 15,000 annually;

(B) a deep tread, winter-type snow tire, space-saver or spare tire, or space tire;

(C) a tire with a normal rim diameter of 12 inches or less;

(D) a motorcycle tire; or

(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

(b) CONFORMING AMENDMENT.—Section 30159(b) of title 49, United States Code, is amended in paragraph (1) by striking "When" and inserting "Except as provided in section 30123(d) of this title, when", and

(c) TIME FOR IMPLEMENTATION.—The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as added by subsection (a)(2)) is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2008.

AMENDMENT NO. 805.

Mr. SCHUMER. Madam President, I ask unanimous consent that reading of the amendment be laid aside and we return to the pending business, which is amendment No. 805.

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

Mr. SCHUMER. Thank you, Madam President.

Now, we have this ace in the hole, the Strategic Petroleum Reserve, which has been used before; it is not a long-term solution but now that the OPEC calls all the shots, they know that they can, more or less, set the price, particularly at a time of rising demand. If we were to strategically use, if you will, the Strategic Petroleum Reserve, we could break OPEC's resolve, break OPEC's will, and actually deal with the problem of high gasoline prices in the short term. It is virtually the only way to do it.

So I would say to my colleagues, we cannot afford to not do it, so this is simply a sense of the Senate that says we should do it. I believe drivers throughout America—whether they are driving trucks thousands of miles or driving kids to school or anything in between—are lobbying us to see if we will do something. This amendment signals our desire and ability not to simply take it on the chin over and over again from OPEC but, rather, to use our strategic weapon, the Strategic Petroleum Reserve, as it has been used before, to both lower gas prices and let OPEC know we have good cards in our hand that we can lay on the table and use.

With that, Madam President, since the amendment has been discussed before, and this is an issue I have been involved with for years and years, I will, in the interest of time and getting a vote on this amendment quickly, yield the floor so my colleague from New Mexico might respond.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, first, might I say to my good friend from New York, I respect his continuous efforts in this regard. But I would say, do not misunderstand that to mean I think his amendment will do any good.

I think, first of all, the Senate should know the Strategic Petroleum Reserve is not a reserve to supply the United States with oil on a day-by-day basis. It is a reserve in the event we have a crisis.

We had a crisis that started this. That is why we started the Reserve. We had a crisis because Iran, years ago, decided to cut us off. They did not cut us off by a huge amount, but just enough to send a turmoil into the market. Our prices skyrocketed, and the United States said: Well, let's find a place to put some oil that we can retrieve if we have a crisis.

Now, everybody should know a crisis does not mean the price is too high or the price is too low. It means America has suffered an unfortunate shock, a war that we were involved with for years and years, and we started drawing down, not an ongoing, everyday event that we just play and have to work in the marketplace.

Now, how much do we have? Years ago we thought we had a very big reserve. In 1985, we said: We want to have 118 days of supply; that is, if we needed it, and needed it every day, continually, to supplement what we had domestically, we had 118 days. Because of our growing dependence and other things, we now think the Reserve is 59 days of import protection.

I ask the Senate, is 59 days too much? I wish we could tell the American people we had 259 days. But we have 59. It will soon be filled. So anybody worrying about amendments saying, Don't put in any more; it will soon reach its capacity, I say, Good. That is what it ought to be.

Now, the Senator says: Let's start taking it out now, a million barrels a day. I will not do that for 30 days, with another possibility of a million barrels a day for 30 more days. To what end? Do you think those who control the price by controlling production would sit by and say, "The United States is going to use its reserve. We don't think they should. It is kind of dumb. But they are going to put it on the market." In a minute, they could cut production, and any impact using up this important reserve would have on the market would go away. So we would be doing a unilateral act, and undermining the security because we would be minimizing the security potential of SPR, and we would not get any good out of it. There
is no assurance doing what is suggested will have any significant impact on the price of oil.

I know the Senator has said it will bring the price down, but it just does not make sense. A million barrels a day, or 30 million barrels—just think of that—how could it have an impact, when the OPEC cartel is a player, and they could make their adjustments.

So what I see this as is no assurance at all of anything positive and an absolute assurance of something very, very bad for America—negative—because we will have increased our risk of not having oil when we need it from the Strategic Petroleum Reserve that we put in in order to take it out when we had an untoward, sort of an attack on the flow of oil by some activity outside our control.

Mr. President, while I compliment the Senator for wanting to say to Americans, We want to get the price of oil down, I want to say we worked hard in this Energy Committee. We did everything humanly possible. And if it was as easy as saying, Let’s just sell the Strategic Petroleum Reserve, we would have done that. I say to the occupant of the chair, who was a very active participant.

Anybody could have made a motion: Let’s start selling the petroleum reserve. Nobody did that because we understand it as an activity that is self-defeating. As a matter of fact, Madam President and fellow Senators, instead of doing some good—and I say this in all deference to my friend from New York—it would probably do us some harm. Whatever you take out for this purpose probably adds to the security risk of this great Nation.

Again I repeat, we have 59 days of supply. We wish we had 118, as we start out shooting for. And now we would start diminishing that—and I cannot tell you how much; a pretty good chunk—a million barrels a day for 30 days, plus 30 more million barrels.

So having said that, I do not think we should do this.

MADAM PRESIDENT, the time has expired, as I understand it.

Mr. SCHUMER. Will my colleague yield?

Mr. DOMENICI. Indeed.

AMENDMENT NO. 805, AS MODIFIED

Mr. SCHUMER. Madam President, I have a technical modification to the amendment. There was a drafting problem. I would like to modify the amendment.

Mr. DOMENICI. I say to the Senator you have the right to modify your amendment. Go ahead.

Mr. SCHUMER. Madam President, I ask unanimous consent that line 22, title out shooting for. And now we see page 4—OK. I will send the modificiation to the desk.

Mr. DOMENICI. You do not need consent.

Madam President, he has a right to modify it; is that not right?

The PRESIDING OFFICER. That is correct. The amendment is so modified.

The amendment (No. 805), as modified, is as follows:

On page 208, after line 24, add the following:

SEC. 303. SENSE OF THE SENATE REGARDING MANAGEMENT OF SPR.

(a) FINDINGS.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of the United States, the potential for national economic recovery, and the economic security of the United States;

(2) on June 13, 2005, crude oil prices closed at the exceedingly high level of $55.62 per barrel, the price of crude oil has remained above $50 per barrel since May 25, 2005, and the price of crude oil has exceeded $50 per barrel for approximately 1/2 of calendar year 2005;

(3) on June 6, 2005, the Energy Information Administration announced that the national price of gasoline, at $2.12 per gallon, could reach even higher levels in the near future;

(4) despite the severely high, sustained price of crude oil;

(A) the Organization of Petroleum Exporting Countries (referred to in this section as ‘‘OPEC’’ ) has refused to adequately increase production to global markets and officially abandoned its $22–$28 price target; and

(B) officials of OPEC member nations have publicly indicated support for maintaining oil prices of $40–$50 per barrel;

(5) the Strategic Petroleum Reserve (referred to in this section as ‘‘SPR’’ ) was created to enhance the physical and economic security of the United States;

(6) the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(7) the proper management of the resources of the SPR could provide gasoline price relief to families of the United States and provide the United States with a tool to counterbalance OPEC supply management policies;

(8) the Administration’s policy of filling the SPR despite the fact that the SPR is nearly full has exacerbated the rising price of crude oil and record high retail price of gasoline;

(9) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(10) increasing vertical integration has allowed—

(A) the 5 largest oil companies in the United States to control almost as much crude oil production as the Middle Eastern members of OPEC, over 1/2 of domestic refinery capacity, and over 60 percent of the retail gasoline market; and

(B) Exxon/Mobil, BP, Royal Dutch Shell Group, Conoco/Philips, and Chevron/Texaco to increase first quarter profits of 2005 over first quarter profits of 2004, 36 percent, for total first quarter profits of over $25,000,000,000;

(11) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(12) the Administration has failed to adequately demand that OPEC immediately increase production in order to lower crude oil prices and safeguard the world economy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) directly confront OPEC and challenge OPEC to immediately increase oil production; and

(2) direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the people of the United States from price gouging and unfair practices at the gasoline pump.

(3) For the period beginning on the date of enactment of this Act and ending on the date that is 30 days after the date of enactment of this Act, 1,000,000 barrels of oil per day should be released from the SPR.

(4) If necessary to lower the burden of gasoline prices on the economy of the United States and to circumvent the efforts of OPEC to reap windfall crude oil profits, 1,000,000 barrels of oil per day should be released from the Strategic Petroleum Reserve for an additional 30 days.

Mr. SCHUMER. I thank the chair. If I could make one brief point to my colleague.

Mr. DOMENICI. Sure.

Mr. SCHUMER. Mr. President, I am only calling for 60 million barrels, at max, to be used. There are 700 million barrels there. Second, this is a swap, which is what was done before. So within 6 months, with presumably the price lower, the amount of oil would be returned and more so.

Those are two points I wanted to make. I am ready to have a vote.

Mr. DOMENICI. Madam President, I need no additional time. I move to table the Schumen amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 57, nays 39, as follows: [Rollcall Vote No. 147 Leg.]
The motion was agreed to. The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I believe under the previous order, the Senate returns now to the amendment offered by the Senator from Arizona and myself; am I correct?

The PRESIDING OFFICER. The Senator calls for the regular order with respect to that amendment.

Mr. LIEBERMAN. I call for the regular order.

The PRESIDING OFFICER. Regular order is called for. That amendment is now pending.

Who yields time?

Mr. McCAIN. Can the Presiding Officer tell us the parliamentary situation, the time remaining?

The PRESIDING OFFICER. The Senator from Arizona controls 90 minutes; the Senator from New Mexico, Mr. DOMENICI, has 30 minutes; and the Senator from Oklahoma has 60 minutes.

Mr. McCAIN. I thank the Chair. The PRESIDING OFFICER. Who yields time?

Mr. LIEBERMAN. Madam President, with the consent of my friend from Arizona, at this point I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. McCAIN. Madam President, with the consent of my friend from Arizona, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LIEBERMAN. Madam President, I rise to support the McCain-Lieberman amendment. If anyone does not believe what 99.9 percent of the scientific community believes—that global warming is, in fact, a reality—if anyone does not believe that, then they are living in a cave and not recognizing what is happening to our planet.

Whenever I think of global warming, my mind's eye suddenly goes back to 1986, looking out the window of our spacecraft back at planet Earth. There on the rim of the Earth, we could see the thin little film which is the atmosphere which sustains all of life. With the naked eye from orbit, you can actually see how we are starting to mess up the planet.

Coming across South America, I could see with the color contrast on the face of the Earth below in the Amazon region the destruction of the rainforests. Then I could look to the east at the mouth of the Amazon River, and I could see the result of the destruction of those trees hundreds of miles upriver by the silt that has discolored the Atlantic Ocean for hundreds of miles. And so, too, in different parts of the Earth, we saw this wonderful creation, and it became apparent to me that I needed to be a better steward of what we have on planet Earth.

If we are creating a greenhouse effect, which 99.9 percent of the scientists say we are, and if it is trapping the heat on planet Earth—the heat that comes from the Sun that cannot radiate out into space—and if the Earth is heating up, as it is, what is going to be the consequence?

The oceans are going to rise because ice is going to melt. The temperature of the Earth is going to increase. What does that say for those of us who live on the eastern seaboard, particularly our coastal communities which is a peninsula that sticks down into the middle of hurricane highway? That is my land. That is the State of Florida. What it says is the seas are going to rise and threaten most of Florida's population, indeed, most of the coastal population of the United States. What it also says is by heat rising, the storms are going to become more ferocious and more frequent. The plagues and pestilence are going to increase. I say to my colleagues in the Senate, this is not a condition we want to have happen to this beautiful creation that is our home suspended in the middle of nothing and is called planet Earth. Yet that is what is happening now.

We best get about the process of straightening it out. That is why I support the McCain-Lieberman amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Florida for his very powerful statement supporting this amendment. We all bring a unique perspective to the Senate, but nobody brings the same perspective as Senator NELSON. He was up in space, he was an astronaut before he came to the Senate, so he has that big picture.

He also has a very local understanding, as he said, because of the Nile River, so he has that local perspective. And the Senator from Florida pointed out, indeed, that if you take the location of the reinsurance company about which the Senator from Connecticut just spoke? Why can they not understand that it is in their economic interest because it is going to be their insureds who are going to be threatened?

Mr. LIEBERMAN. Madam President, I thank the Senator from Arizona for pointing out that point. And I think it must be Vanna White holding the chart.

I seek unanimous consent, on behalf of the Senator from Vermont, that he be allowed to remain seated—he just had recent knee surgery—as he delivers his remarks for up to 10 minutes.

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

The Senator from Vermont.

Mr. JEFFORDS. Madam President, in my many years of public service, I have always tried to move the Government forward on a greener, more sustainable path. That is the path that Vermont has chosen, and that is the way that seems to be most sensible to me. I have worked hard to promote recycling, efficiency, renewable energy, alternative fuels, conservation, and in general the wise and sensible use of our energy resources.

I consider wasting energy a symptom of bad management and economic inefficiency. It also strikes me as an unconscionable and irresponsible behavior that visits the sins of one generation upon the next. That is what this debate is about. What will we leave our future generations if our actions and vision are too shortsighted and wasteful? We, the United States, have wasted more energy than any other country or civilization on Earth, even as we have built the Nation into an economic and technological superpower.

Our energy growth through energy has not been cost free. We are dangerously dependent on foreign sources of petroleum. Public health has suffered and still suffers from pollution from fossil fuel combustion. But perhaps most costly to our economy, the public health, national security, and the quality of life for generations to come is our continuously growing greenhouse gas emissions. These carbon emissions are the only way to run our economy.
high. According to credible scientists, that level has not been higher at any time in the last 420,000 years. The United States can take the blame for approximately 40 percent of the total carbon loading now in the atmosphere, and we are adding more than our share every year.

We have a moral responsibility to remedy that. We have a chance in this Energy bill to begin making reductions in our emissions. Congress must lead on this issue because there is a tremendous vacuum in this administration. The President and the Vice President would prefer that we stick our heads in the sand and hope that it all will go away. Voluntary measures are useless against a problem of this scale. We must use taxes or a market-based program, such as a cap-and-trade program, that will motivate American ingenuity and innovation. We must be aggressive in funding domestic and international programs to decarbonize our energy supply. Any cap-and-trade opportunities and negotiations to export energy-efficient American products and services. We have a choice in this bill. We can defer action, letting the problem get worse and more costly with each passing year, or we can act now to reduce our wasteful global warming emissions.

My colleagues should remember that generations to come will look back at the climate votes on this bill. If we do not act responsibly, they will know who was to blame for the sea level rise that will threaten their communities, the extra intensity of hurricanes, the loss of glaciers, or more frequent heat waves and floods. They will know who wasted the chance to do the right thing for them in the future.

The Senate must adopt strong legislation that reduces our greenhouse gas emissions. No major energy policy bill will get my support without it.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, seeing none of my colleagues on the floor, I will proceed for a moment or two and then suggest the absence of a quorum.

Yesterday, Senator MCCAIN and I laid down the basic arguments for our amendment. The fact is that the planet is warming. It is warming as a result of human actions. There is no more just a matter of science, although most scientists agree with this. We can see it. We can see it in the kinds of satellite photos that Senator MCCAIN showed such as in the case of the State of Florida. The most graphic evidence is the satellite photo of the polar icecaps. The way in which they have diminished, shrunk, over the last 10, 15, 20 years is startling, with the obvious effect that the water is rising.

One could pick their favorite story of evidence. The one that we cite a lot is the Inuit people, the native people in northern Canada, saw robins a few years ago for the first time in their 10,000-year history. They did not have a word for “robin.” They had to create a word. That reality is something my friend from Vermont is aware of. Senator JEFFORDS has been a great crusader, in the best sense of the word, for environmental protection. He is from the green state, as he says. He has been a wonderfully green Senator in the best sense of that term, and I thank him for his support of this amendment.

This amendment is the only amendment that will come before the Senate that will do something about global warming. With all respect to the amendment offered by the Senator from Nebraska yesterday, it offers some technology support, it may request a report or two, but all of its goals are voluntary. We found out in the 1990s that voluntary goals do not work, that the planet has continued to warm. The result of that conclusion was the 1997 Kyoto Protocol. The Bush administration has now taken us out of that protocol on the other, Senator MCCAIN and I are right in the middle where we like to be. In this case, substantively, we are in the middle.

This amendment makes meaningful reductions, by 2010, to reduce American emissions of greenhouse gases to the 2000 level. It creates a meaningful market, and it is the only one that does that. It is not oldtime command and control. This is bringing in an enormous number and range of emissions reduction options for businesses and other sources of greenhouse gas emissions. The allowances are allocated at the point of emissions to electricity and industrial sectors. Agriculture can participate in this program on a voluntary basis. They are not covered mandatorily at all.

This is a tremendous opportunity for the agriculture sector of our economy to come in voluntary and say, I want to earn some credits by reducing some sources of greenhouse gas or, even more, I want to make some money by holding some of my land in uses that will absorb carbon dioxide and therefore help stabilize the climate. That is a source of income that can be sold. In our amendment, this is a maximum opportunity for innovation and cost savings.

One of the foremost studies conducted by a group at the Massachusetts Institute of Technology concluded that the per-household cost of the passage of this bill—we are going to hear a lot of numbers about this—is in the range of $15 to $20 per year more per household. I am sure if the average American household were asked whether he or she would pay $15 to $20—frankly, a lot would be willing to pay a lot more—to deal with the problem of global warming so that we can preserve this planet and turn it over to our children as close as possible to the way we found it, they would say yes. That is not even taking into account the innovative, cost-saving technologies that this bill will support in research.

This comprehensive technology strategy that we offer. We have a new title this year that creates a technology program funded by the sale of allowances, not appropriations; would stimulate innovation at each of the three critical phases of innovation: engineering, full-time construction, and bringing it to market. The language in this amendment says that the funding would go to a series of possible uses, including but not limited to biofuels, solar, advanced clean coal, and nuclear. All of the technologies must meet environmental and economic criteria to gain support, and any technology beyond the ones we mentioned is eligible for funding. This is a real economic investment and economic growth section of this bill.

I know there are some who are concerned about the mere mention of nuclear. The fact is, today 20 percent of electric power generated in America comes from nuclear plants. They are functioning safely. Some of them are getting to a point where they are going to have to be replaced. This amendment simply opens the door to some research in the next generation of possible savings on nuclear powerplants. It is a mix of all of these. It is a win or a lose strategy. Anybody who has a good idea for proposing or doing some research in a technology or a system that could reduce greenhouse gases, that person can apply to this public corporation we are setting up for funding under this proposal. We do not want to close the door on any technology that will give us the power to run our society and help us deal with the greenhouse gas global warming problem, and that includes but is not limited to, as we said, wind.

We also have some very important funding for a separate program for the retooling of manufacturing facilities, particularly targeted to advanced technology automobiles—a major source of greenhouse gas emissions, a major consumer of oil.

Interesting fact that probably a lot of people do not appreciate: Only 2 percent of the source of electric power in America today is nuclear. It is prettily amazing. Most of it is coal, twenty percent is nuclear, and the rest is a mix of renewable sources. When it comes to the transportation sector, just about 95 percent is driven by oil products. That is a big source of greenhouse gas emissions and, of course, a big source of our vulnerability to the kind of crazy oil price shocks we are now experiencing that run through and eat up the budget of every family and every business in our country. So here we are setting the funding of automobile manufacturing facilities.

This is the only climate amendment that really does something and does it...
Climate change is a very real and present problem. We are no longer at the stage where we ask whether the climate of our world is changing. In the words of the recent USA Today article, the headline read, “The Debate’s Over.”

Our climate, the climate that has nurtured life on this planet for millennia, is changing, and we—each and every one of us—are bringing that change about.

Climate change in our world poses a significant and real economic danger to our country. We know what is causing climate change. Greenhouse gases, such as carbon dioxide, are piling up in the atmosphere. Where it stays for decades, for centuries—for a very long time, where it traps the heat on this Earth.

We know the amount of these greenhouse gases is rising and that it is higher now than at any time in the last 400,000 years. It is higher at this time than at any time in the last 400,000 years. We know these gases trap more of the Sun’s energy on Earth than in being released into the atmosphere. If we do not start cutting global warming pollution, the pile-up of greenhouse gases will lock our planet into a future of such rapid climate change that the results could be devastating to our children and to future generations of Americans and future generations of the population of this world.

This understanding of the climate change challenge we face is international in scope. Last week, the heads of the National Academies of Science of all the G8 countries—the UK, France, Russia, Germany, Japan, Italy, and Canada, plus those of Brazil, China and India—joined the head of the U.S. National Academy of Science in an unequivocal statement calling for “action . . . now to reduce significantly the buildup of greenhouse gases in the atmosphere” of our Earth. We must listen to the science.

Colorado, my State, has a lot at stake when it comes to global warming. We have a world-class tourist industry that has flourished because of our State’s natural beauty, its mighty rivers, expansive forests, and majestic plains. Colorado has the best ski areas, I would venture, in the world, and some of the best big game hunting and fishing anywhere in the continental United States. Tourism employs almost 1 in 10 people in Colorado. In some parts of our State along the I-70 corridor, it employs almost 50 percent of the people who live there.

The future consequences of global warming are clear. Losses of forest and meadows in our mountains, reduced stream flows, and significantly reduced snowpack. Those realities pose unacceptable threats to my State, and the same can be said about every State in America.

Colorado’s municipal and agricultural life is imperiled as well. Colorado is an arid State, similar to most of our States in the West. We have low annual precipitation rates. Our abundant agriculture and our booming cities are dependent on winter snowpacks and reliable spring runoff. Scientific studies predict less and less snowpack across the West, including Colorado and the Rocky Mountain states. Studies also predict reduced runoff of the water upon which our water supply system depends. These warnings are dire. These warnings are frightening. They are not abstract concerns about the effects of a warming Earth. We know from recent experience the kinds of effects that prolonged drought can have on our major Colorado river systems. The droughts for the last several years that have left Lake Powell below a 50-percent level tell us this is a real issue across the West.

There are signs that this continuing change in climate across our world needs to be addressed. For me, in a very personal way, it is the devastation to agriculture across the State of Colorado when we had the most severe drought that our State has had in over 400 years. I saw the pain in the eyes of farmers and ranchers who had to give up their lands and farms and cattle herds because the drought had caused such an economic devastation to the pastures and to the meadows that they relied on for their cattle operations. We are doing something about global warming. It is an imperative that we act now. We, in the Senate, have a responsibility so that we can be proud, 10 or 20 years from now, when our children look back and ask: What did this Senate do? Did they take a position of courage, to address the issue of global warming or did they simply walk away from an issue because they thought it was too tough to handle?

Next month, at the G8 summit in Gleneagles, Scotland, the United States will be the only nation among the G8 that has refused to embrace a mandatory program to cut greenhouse gas pollution. America’s closest ally, Britain’s Tony Blair, has put climate change at the top of the G8 summit agenda. The heads of Canada, Germany, France, Italy, Japan, and Russia have all signed their nations on to mandatory targets, and they have all joined a global market in which anyone who finds a better, cheaper or faster way to cut global warming pollution can profit by its ingenuity.

By contrast, denial and delay in addressing the problem means not only that the problem is getting worse every day but that American businesses, farmers, scientists, and bankers are being left out and cannot benefit from the kind of active carbon trading market that exists in the European Union today.

We need renewed leadership in America on this issue. Two years ago, Prime Minister Tony Blair came right here to this Capitol and stood with President Bush and addressed this body.
speech after speech. Prime Minister Blair has said he is willing to stand by our Nation on the challenges of immediate security—the war on terrorism, and the campaign against weapons of mass destruction. But he also said America and Britain stood shoulder to shoulder in the fight against climate change. On the eve of the G8 meetings in Scotland, Mr. Blair has repeated that imperative.

The amendment before us today, called the McCain-Lieberman amendment, is an amendment that takes us in the right direction. I am proud to be a sponsor of that amendment. I urge my colleagues in the Senate to vote in support of that amendment.

Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, I was very briefly to thank my friend from Colorado for a very powerful and learned statement. I appreciate his support very much.

I am proud, as we think about how the debate has gone, the Senator from Arizona, the Senator from Connecticut, introduced it. Yesterday we had the Senator from California. Today we have Senators from Florida, Vermont, and Colorado.

This is a national problem which is being played across the Nation. The fact is, if you put this amendment to the American people for a vote, it would pass overwhelmingly. I hope that sentiment can express itself here before long on the floor of the Senate. I vote on the floor of the Senate from Ohio, and I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DWYER. Mr. President, I come to the floor today to talk about the amendment offered by Senator MCCAIN and Senator LIEBERMAN. Climate change is happening. There is simply no question about that. It is time the United States takes the lead in slowing the process. It is time mandated by the amendment.

Second, the amendment uses the year 2000 as a baseline. This concerns me. It concerns me because the fact is that some companies’ emissions were at an artificially low point in the year 2000, due to the recession and other economic fluctuations. A sound carbon control system has to be fair. If we provide no flexibility to that standard, some companies would bear a higher burden than other companies with emissions at a normal rate at that time.

Third, the amendment does not provide for additional Federal investment into scientific research and development. We have to invest substantially more Federal dollars into the development of the technologies we need to reduce the greenhouse gases causing global warming. For instance, carbon capture and storage technology for the clean coal initiative. In the year 2005, we only funded this program at 25 percent of its authorized level. That must change.

We must be bold. We need to be imaginative. We need to be visionary. This is truly a race, and we are not moving forward fast enough. Realistically, greater investments are not going to be made until we, as a Nation, pull our heads out of the sand and accept the reality of change is in fact occurring. In 1997, when the Senate debated the issue the last time, the science wasn’t as good. Today, however, we know a lot more, and the science is unambiguously clear. Since 1997, we have had the hottest years on record, and there is now a clear consensus that temperatures have risen globally at least 1 degree Fahrenheit over the last 100 years.

Since 1997, the National Academy of Sciences, the nation’s most prestigious, most credible and most vigorous voice for the scientific community has said that:

Temperatures are in fact rising [and that] national policy decisions made now in the long term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems.

Almost daily we hear reports from the field of natural indicators of climate change. For example, glaciers are melting. Dr. Lonnie Thompson, distinguished professor of geological sciences at the Ohio State University, is an expert on the study of glaciers. All of his work points to one conclusion:

Every glacier we have any data on is retreating . . . Our best evidence for the current loss of tropical glaciers is mainly due to rising temperatures, and those temperatures are higher in many areas than they have been for more than 5,000 years, with the major increase occurring in the past 50 years. Glaciers operate on thresholds and as such are extremely sensitive to global climate change.

Other national indicators strongly suggest the Earth is warming. The sea ice in the Arctic and Antarctic is declining. Coral reefs are disintegarting. Snow cover is decreasing. The oceans are getting warmer, and extreme weather events are occurring with increased frequency.

As the world’s biggest emitter of greenhouse gases, the United States has an obligation to take the lead in efforts to control climate change. We have an obligation to be an engaged global player. We have an obligation to urge other nations to join efforts to lower emissions. It is time for our Nation to get into the driver’s seat and take the lead in developing the technology and the alternate energy sources that will become an inevitable part of the new energy economy.

Right now, we are falling behind. Japan and Europe are well on their way to developing the very technologies that will be necessary to retrofit our powerplants and make our current environment friendly. We should be the ones developing that technology. We should be the ones designing and creating and inventing the tools we need to adapt and adjust to our future.

Let me repeat: Climate change is happening and a shift to a new global energy economy is also happening. We cannot avoid it. It is inevitable. Without question, we are going to have to change operations and clean up our powerplants and find alternatives to oil and gas. But who is going to be the buyers of the technology that gets us there or, rather, do we want to be the sellers?

This much is obvious: If we do not do something, in a few years we will be too late. We are already behind these countries. They will be in other countries. They will be in Europe; they will be in Japan; they will be other places. That is not the way to go. We will have ourselves to blame and no one will forgive.

I am pleased to say my home State of Ohio is beginning to position itself to face the future and is already involved in efforts to successfully transition to the new energy economy. Ohio has the opportunity to deploy, and in some cases develop, the very technology our own State needs so we can continue to burn coal in our powerplants but with dramatically lower emissions of nitrogen oxide, sulfur dioxide, and mercury. There is a process called integrated gasification combined cycle, IGCC, which will allow coal, including high-sulfur Ohio coal, to be burned more cleanly. The IGCC process immediately reduces the emission of nitrogen oxide. It also makes it possible, for the first time, to capture carbon before it is emitted into the atmosphere.

This is the kind of technology that can put Ohio at the top. As James Rogers, chief executive of the Cincinnati- Clergy Energy Corporation, one of the most progressive energy companies in the nation, said, I’m making a bet on gasification. I don’t see any other way forward.

Similarly, Jason Grumet, the executive director of the National Commission on Energy Policy, called the IGCC process “as close to a silver bullet as we are ever going to see.”

Currently, there are only IGCC pilot plants operated in Florida and Indiana. However, American Electric Power, AEP, in Columbus and Cinergy in Cincinnati—there are plans to build additional plants in Ohio and Indiana, respectively. AEP plans to build a $1.6 billion clean coal plant along the Ohio River in Meigs County.
Ohio also can lead the way in commercialization of fuel cell technology which produces electricity by combining hydrogen and oxygen. Cars are one of the biggest emitters, of course, of carbon. Fuel cells have the potential of producing carbon-free fuel for vehicles. Ohio is ideally suited to develop this technology and, at the same time, help begin again its leadership in automotive technology.

I applaud Ohio Governor Bob Taft for his new plan to invest significant funds in fuel cells. He has announced a 3-year extension of the Ohio fuel cell initiative which is a $103 million program aimed at making Ohio the leader in fuel cell technology. Over the last 3 years, already the State has awarded $36 million in grants to 24 future cell projects involving academic researchers and small companies. Indeed, Roger McKin, chairman of the Ohio Fuel Cell Coalition, was correct when he said:

"If you want to be in fuel cells, you should be in Ohio."

Use of clean renewable sources of energy is another way to help slow climate change. As we all know, solar power is one of the most commonly recognized renewable sources. There are several companies that are developing technologies to lead to widespread commercialization of renewables. For example, First Solar in Perrysburg, OH, is a leader in the development and manufacturing of solar collection systems. And Parker Hannifin, headquartered in Cleveland, is developing a hydraulic drive system that can precisely position solar collectors used in a powerplant, thereby increasing their efficiency.

I encourage the State of Ohio to do all it can to become a leader in energy technology. We are on our way, but we need to do more. It could help decide the future, quite candidly, of our great State.

In closing, climate change is here. We have to face that fact. And we have to address it. We have to do it in a practical, workable, intelligent way. I look forward to working with my friends Senator McCain and Senator Lieberman in the months ahead to craft a bill that will, in fact, work: a bill that will work for Ohio, a bill that will work for the United States, and a bill that will put the United States out front on global climate change in dealing with this problem.

I am confident we can, in fact, draft a bill that will own up to our obligations to our children and our grandchildren and, at the same time, will have dates that are practical so the emerging technologies will be ready to meet the needs of the energy sector—technologies that will allow us, for example, to expand the use of Ohio coal, something we have in Ohio in abundance, and what we have in this country in abundance. We also can craft a bill that will frontload more money in research and development and a bill that will use a baseline date that does not unfairly penalize certain regions of the country.

I am confident we can work together to produce such a bill. We can do these things. If we do, the United States will have done the right thing. We will begin to make demonstrable progress in slowing the rate of climate change and in protecting our environment. History is on our side. History is on the side of passing a bill similar to this bill. It is imperative we get it right. It is imperative we do it right.

I thank Senator Lieberman and Senator Lieberman for their courage, for their vision and their leadership in taking up once again this tough issue. We must finish the task. I look forward to working with them to do the right thing for Ohio, but, more importantly, to do the right thing for our country and for the world, for our children, and for our grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Ohio. He has spoken with characteristic sincerity and thoughtfulness. We talked along the way. I am disappointed we cannot take care of the amendment today, but I am encouraged by the very strong statement he has made recognizing what has changed since we last took up this matter, seeing global warming is a real problem, and wanting to work together with Senator McCain and others to find a solution that is good for the planet, good for the country, and good for Ohio. I thank him for that outreach hand. I accept it, extend myself to him, and look forward to working together in the months ahead to reach a good, balanced, progressive solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Sometimes we fall into the trap of thinking all wisdom is in Washington, DC. I noticed an op-ed piece in the Oklahoma Duncan Banner yesterday, written by Steve Fair, wherein he goes through all of his research on the outside, showing virtually all the science since 1999 or since 1998 when Michael Mann came through with his hockey stick, has demonstrated very clearly that the science is not there.

I ask unanimous consent this op-ed piece be printed in the RECORD.

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

[From the Duncan Banner]

Is It Hot in Here?

(By Steve Fair)

On USA Today’s Wednesday June 15th editorial page Senator Jim Inhofe presented the opposing view on the issue of global warming. The paper’s position was that there is scientific consensus that greenhouse gases are causing climate change and that failure to implement reductions in those gases will cause major problems for future generations. You’ve heard the theories—a cow’s flatulence in Oklahoma is melting the glaciers in Alaska. It takes more faith to believe than to believe a sovereign God created the earth in 6 days.

The title of Senator Inhofe’s response to the paper was Evidence is Underwhelming. He cites several studies whose intents are questionable, are promoting mandatory caps on carbon dioxide emissions in the U.S. if the scientific consensus does not warrant such action. Senator Lieberman of the Senate’s Environment and Public Works Committee, Inhofe has access to far more detailed scientific information on the global warming issue than the average person.

For years, the global warming issue has always been one that was trumpeted by the environmental wackos. Their passion in saving the earth was only exceeded by their commitment to killing babies in the womb. It was the liberals that heralded the cause, but that has changed.

On the front page of the same issue of USA Today there was a story about the so-called Creation Museum. It is a conservative group which has traditionally been champions of moral issues have now expanded their borders to include taking positions on issues like the environment and human rights.

One of these groups is the National Association for Evangelicals which represents 52 denominations with 45,000 churches and 30 million members across the country. The current head of the organization is Reverend Dr. Ted Haggard, a pastor from Colorado. The NAE takes traditionally conservative stands on abortion, same-sex marriage and prayer in schools, but recently took a turn to the left on their position on the environment.

Used to be a type that evangelicals warned about a different kind of warming. They preached about the fires of hell for the unredeemed, but under Haggard, this group has taken a position on the environment. The group passed a resolution that states that Christians should labor to protect God’s creation. Not many would disagree with that statement, however when the group recently met in DC, the Reverend Dr. Haggard was in the fold because he disagrees with him on environmental issues. Senator Inhofe said the NAE should heed the scripture says that we are to worship the Creator, not the tree huggers. Their leadership, this group has been champions of moral issues have now expanded their borders.

I read about the snub in Roll Call several weeks back, so I contacted by phone and email the Reverend Haggard. I wanted to discuss his reasoning for his position on the environment. Haggard, who is an Oral Roberts University grad, did not call me back, but did have an underlying call me. The young man was nice, but I told him I would only discuss my thoughts with Haggard. I did ask if the reasons cited by Roll Call for Senator Inhofe not being invited to address the group were accurate. The young man confirmed they were. The pastor never called me and I don’t hear from Haggard. This is why he cannot defend his position from scripture.

If Rev. Haggard wants to preach his tree hugging views at his church, that’s his business, but when he moves it to the public square and wraps it in the guise of the scripture, it becomes mine. The national media loves to paint these religious conservatives with the same brush and when misinformed zealots like Haggard take their eye off the ball, it hurts the cause. If Haggard wants to start a political committee called Christian Tree Lovers, then do it. He could invite all the liberal Senators that agree with his environmental views and perhaps his cause could flourish. But to move the NAE into the environmental debate when the thrust of that organization
What does this prove? At a minimum, that we have a lot of fat and happy seal pups. What we do not know and cannot know now is whether the current ocean cooling is natural or manmade by carbon dioxide emissions.

Scientists are attempting to explain the current warming and cooling trends through an understanding of the Earth’s climate. However, the climate is composed of a myriad of complex variables. Casual observers have picked out visible warming examples, such as melting glaciers and permafrost as signs of manmade global warming. However, overall climate data is conflicting and gap filled.

Ground-based temperature monitoring turned out to be skewed because it was located near newly urbanized areas and other heat-producing land-management activities.

Satellite readings, in addition to showing the flaws of ground-based temperature readings, revealed confused differences between the different layers of the atmosphere. Other atmospheric conditions beyond our understanding include the role of aerosols or other fine particles and water vapor. Apparently, our surface is brighter than it was a few decades ago. This may be related to airborne particles. This could be as variable as dust storms from China dimming sunlight and causing cooling and changed weather patterns.

Also, a potential huge effect on climate are water vapor and clouds. Everyone knows that a clear night is colder than a cloudy night when the surface heat is allowed to dissipate. We do not know whether warmer temperatures will mean more vapor and clouds or less, more moisture or less, even warmer temperatures are not. Climate modeling is susceptible to mistakes and manipulation. We have the IPCC Summary for Policymakers not written by scientists who produced the 1,000-page report. We have the famous hockey stick producing the same results no matter what data is entered into the model. We have economic assumptions necessary to produce even the lowest temperature rise wildly optimistic. Does anyone really believe that Third World economic output, like that in Botswana and Zimbabwe, will reach parity in the United States by 2050? Of course not, but climate models depend on just this type of wild assumption.

To be fair, modeling something like carbon dioxide emissions is complex. It does not matter what you put into it, the way he set it up, it would cause a hockey stick. Subsequent tests showed it means nothing.

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As the distinguished chairman of the EPW Committee said, we have hockey sticks. That turned out to be the biggest story of the so-called scientific literature. It did not matter what you put into it, the way he set it up, it would cause a hockey stick. Subsequent tests showed it means nothing.

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low-income people in my State, already forcing users of natural gas, petrochemical and plastic industries, to move out of the United States.

That is why natural gas is already expensive. Supplies are limited. Think what will happen when we demand even more natural gas to protect electricity? Prices will go up. Farmers who use it for fertilizer for their crops will drastically be affected.

The average household would lose at least $100 per year by 2010 and up to $1,000 by 2020. But the hardest hit will be seniors and the poor. Higher power and cooling bills will hit those on fixed incomes the hardest. What will they cut? Food, lighting bills, drugs.

What will employers cut when they face higher energy costs, higher prices for natural gas? They will cut jobs or move them overseas. Experts predict up to 40,000 lost jobs in 2010, rising to 200,000 lost jobs in 2020. Is that what we want to do, kill 200,000 jobs a year?

So where have we reached? I believe the solution is in new technologies to make clean energy without steep price increases, technologies that will protect our families and protect our workers, technologies that will make our environment affordable, not job ending or poverty inducing.

We need investments in hydrogen and fuel cells. We need investments in clean coal. We need technologies that will let us harness domestic fuel supplies to provide clean energy.

And when we have these clean, affordable technologies developed, we need to deploy them on a commercial scale.

We have super-critical pulverized coal technologies that in the near future will be so efficient that they will reduce the amount of carbon dioxide produced by 25 to 30 percent. And we are working on the Future Gen program to produce electric power with only water released into the environment.

What we need now is to get serious about helping these technologies get to the market. They are more expensive than current plants, so they need some help. The appropriations process under Senator DOMENICI’s leadership is putting more money into clean coal technology, and I thank him for that.

This Energy bill under his leadership has technology deployment provisions that will make clean coal technology affordable. Additionally, Senator HAGEL’s amendment will authorize direct loans, loan guarantees, standby default coverage and standby interest coverage for technologies that reduce greenhouse gases. So I was happy to support that.

Mr. President, I ask unanimous consent that I be granted 2 more minutes.

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

Mr. BOND. We could have clean and affordable technologies. This bill is moving us in the right direction. That is the way we should go. We have technologies such as mentioned by the Senator from Ohio, the integrated gasification combined cycle that turns coal into gas, allows for the capture of pollution and carbon, and someday will allow us to sequester carbon.

This Energy bill is working to make more technologies possible. Senator HAGEL’s amendment will authorize direct loans. But we could be moving right now to clean up pollution.

This spring in the Environment Committee, the Clean Skies legislation, proposed by the President would cut smog-producing nitrogen oxides by 70 percent, acid-rain-causing sulfur dioxides by 70 percent, and mercury by 70 percent.

These cuts would have come solely from electric power plants. Ninety percent of the local areas violating EPA air standards would come into compliance with this measure. However, our opponents have held this hostage saying that they do not want to clean up NOx, SOx and mercury 70 percent because they want to chase the ephemeral carbon cause of global warming.

Well, it is not proven. Manmade emissions are not proven. But we know we can make clean coal work. I considered attaching the Clean Skies legislation to this bill but, unfortunately, opponents would just use that as another excuse to kill both this bill and Clean Skies. But at the end of the day, if we can reject this unwise, overreaching McCain-Lieberman bill we will be able to move forward with a measure that will work to increase our energy supply, reduce our dependence on foreign sources, and provide us cleaner energy.

I urge my colleagues to oppose the McCain-Lieberman amendment.

I ask unanimous consent that a copy of the article I mentioned be printed in the RECORD.

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

TRUST SEAL PUPS’ ASSESSMENT OF CLIMATE

By Dennis Avery

A new study of the weaning weights of California’s elephant seal pups predicts that a 25-year trend of Pacific Ocean warming has ended.

That means that the second half of a 50-year cycle has begun to cool the northern Pacific. In addition, historical fish catch data indicate the ocean cooling trend is likely to last until about 2025.

Burney Le Boeuf and David Crocker of the University of California, Santa Cruz, monitored weaning weights of elephant seals from 1975 to 2004. The ocean’s temperatures generally increased, and the baby weaning weights declined 21 percent over 24 years from the study’s beginning until 2000.

The seal pups’ weight decline coincided with an increase in the mothers’ foraging time of 36 percent. A decline in the mothers’ own weights confirmed that fish were relatively scarce. After 1999, however, ocean temperatures began to cool. The cooler waters became more abundant and the pups’ weaning weights abruptly began to rise. By 2004 the pups’ weaning weights had recovered to 90 percent of their pre-cooling trend.

ANCHOR WEATHER

Seal pup weight trends confirm a cycle also found in northern Pacific salmon catches. Columbia River salmon numbers declined sharply after 1977.

And Columbia River salmon catch data, which date back to 1900, clearly reveal 50-year cycles, with 25 years of abundance interspersed with 25-year periods of salmon scarcity. Gulf of Alaska salmon catch data show a similar but opposite cycle.

The past shift toward warmer temperatures, which disadvantaged the California seal pups and anchovies, occurred in the mid-1970s. Researchers have begun to call the 50-year ocean cycle the Pacific decadal oscillation (PDO).

Before the PDO, ocean temperatures rise and fall, fish species wax and wane, and fish are caught in different places, but total Pacific ocean productivity remains stable.

So seal, salmon and sardines have some thing to tell us about man-made global warming? Yes.

Earth’s temperatures have definitely increased since 1850. More than 7 degrees Celsius. However, 0.6 degrees of the warming occurred before 1940, and therefore before much human-emitted CO2 was produced.

After 1940, the Earth’s temperature declined moderately until the late 1970s, despite huge increases in human CO2 emissions and reliance on theories of man-induced global warming. Is it just coincidence that during this period the PDO was cooling the Pacific?

The current surge of public concern about human-caused global warming occurred after the Earth’s average temperatures began to rise again in the late 1970s—which coincided with the PDO’s shift back to its ocean warming phase.

So does the recent shift in the PDO mean the Earth’s average temperatures will start to cool again? Was the “warmest decade” of the Earth just a blip? Not necessarily. Earth has a long, moderate, natural 1,500-year cycle that raises temperatures in New York 2 degrees Celsius during its warming phase and drops them 2 degrees Celsius during little ice ages. The Little Ice Age, from 1300 to 1850, was the most recent of these cooling phases.

Now seal pups and sardines are instructing us that ocean temperature trends as long as 25 years can mislead us about cause and effect in the Earth’s climate—which has been cycling constantly for at least the last million years.

We might want global climate modelers and the United Nation’s Intergovernmental Panel on Climate Change to address evidence before we agree to give up 85 percent of society’s energy supply on behalf of man-made global warming.

Mr. MCCAIN. Mr. President, I yield 10 minutes to the Senator from Delaware on any time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank the Senator from Arizona for yielding
me time. And even more, I express my thanks to him and Senator Lieberman for the leadership they are providing on an enormously important issue for not just our country and our States but, really, I think for the world in which we live.

I want to start off today with something of an admission. I want to admit to all of you that I am really a Johnny-come-lately on the issue of global warming. Not that long ago, I believed we needed science to be bound to justify action; that we needed more research to justify action. Not that long ago, I feared that taking meaningful action could very likely mean that we do harm to our economy.

But with the passage of time, like a lot of our Republican friends and our Democrat friends, I have changed my mind. Over the past several years, I have become a believer. Global warming is real. We do need to do something about it. I have enough faith in American ingenuity and our own bounty and our own how-to believe we can do that without endangering economic growth.

Two of the key people who have helped to educate me on this issue are Dr. Lonnie Thompson and his wife Ellen Mosely-Thompson. Both are professors at Ohio State University. Just last month, Lonnie was elected to the National Academy of Sciences. As an undergraduate student and graduate of Ohio State University, I am proud to say I know them, although neither of them was a professor of mine when I was a student there a long time ago.

Doctors Thompson are not retired academics who sit in Columbus, OH, and pontificate about global warming. They get their hands dirty. They have led some 40 expeditions around the world—to the Himalayas, to Mount Kilimanjaro, and to the Andes in South America—in an attempt to figure out how global warming is changing the face of our most famous mountaintops.

According to Lonnie Thompson:

In 1912, there was over 12 square kilometers of ice on Mount Kilimanjaro. When the Thompsons went to that mountain in February of 2000, it was down to about 2 square kilometers of ice. Lonnie Thompson projects sometime around 2015—that is 10 years from now—the ice that sits atop Mount Kilimanjaro will disappear entirely.

Fremd studies of glaciers and icecaps atop mountains in Africa and South America, Lonnie and Ellen Thompson have concluded that many of them will simply melt within the next 15 years because of global warming. And their fear is that little can be done to reverse that.

I would like to share with you today several enlarged photos. I will start with one of the icecaps the Thompsons have studied in the Southern Andes. This first one shows what it looked like in 1978—27 years ago and the second shows the same mountain in 2000. This area here may not look like a whole lot, but that is a 12-acre lake that exists today which did not exist in 1978. There is a lot less ice, a lot of melting, and now we have a lake where a glacier once stood.

Now, that may or may not sound like a lot, but consider this: The Thompsons have found that the rates of retreat have been 32 times greater in the last 3 years than it was in the period between 1963 and 1978. Just think about that; 32 times greater that this glacier has retreated in the past 3 years than it did back in the 1960s and 1970s. Now, that is the Anaya. Let’s look at something just a little bit closer to home. Glacier Bay is located along the coast of southeastern Alaska. It is a national park and preserve filled with snow- and ice-covered mountains. A lot of us have been there, visited, and seen them with our own eyes.

This next photo is of the Riggs Glacier in Glacier Bay. It was taken by the U.S. Geological Survey. I believe, in 1941, over 60 years ago.

Now, look at this next picture. It is the same spot, taken in 2004. There is no ice. The weather warmed up enough that we actually have vegetation. This might be the upside of global warming, but there is a downside as well, and that is what I am going to be focusing on today.

These are just two examples, my friends, and there are plenty more we do not have time for today. Together I believe they spell out an ever more compelling case that our Earth is warming, and at an increasing rate and that what is more those of us who live on this planet are largely to blame.

I want us to consider some facts as we know them. If we could take a look at this next chart. First of all, 9 out of 10 of the hottest years on record have occurred in the last decade. Arctic sea ice has shrunk by some 250 million acres—an area the size of California, Maryland, and Texas combined. Since 1956, the Greenland ice sheet has lost 500 billion tons of ice. On Antarctica, ice shelves have broken off of Antarctica and melted.

Skeptics will still try to claim that there is no official link between what we see happening across the globe and our greenhouse gases. But last month, scientists at NASA’s Goddard Institute for Space Studies announced that they have found the “smoking gun” in the global warming debate. What they have done is they have used sophisticated satellites, and satelite-based measurement equipment. NASA scientists found by doing so that for every square meter of surface area, our planet is absorbing almost 1 watt more of the Sun’s energy than it is radiating back into space as heat—a historically large imbalance that these NASA scientists tell us can only be attributed to human actions. Their conclusion:

There can no longer be substantial doubt that human-made gases are the cause of global warming.

Their words, not mine. According to scientists, that imbalance will only get worse over the next century. Computer modeling shows that temperatures may well rise between 2 to as many as 10 degrees Fahrenheit by the end of the 21st century depending on how well carbon emissions are controlled by us here on this Earth. The effects of our doing nothing could be catastrophic. As the Earth’s temperature increases, the extra heat energy in the atmosphere will likely trigger even greater extremes of heat and drought, of storms and wind and rain and even sometimes of more intense tropical storms. The International Commission for Protection of the World Heritage estimates that unless global warming is controlled, sea levels will rise by as much as 2 feet over the next 50 years. For our island nations and coastlines, that could mean literally entire communities and beaches wiped out.

I like to joke, but it is really gallows humor, that in Delaware our highest point of land is a beach. A sea level rise of that magnitude would mean that much of the Delaware coast would likely not be able to support beachfront property at Rehoboth or Dewey Beach. They might be looking for it closer to the State capital in Dover, DE, than any place along the shores we visit.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. CARPER. I thank the Chair.

I also want to quote a Republican friend of mine who recently pledged to cut California’s carbon dioxide emissions more than 80 percent over the next 50 years:

I say, the debate is over. We know the science. We see the threat, and we know the time for action is now.

I want to ask, what does the chief executive of California know that the chief executive of our country may not yet know? Our country is the largest emitter of greenhouse gases. The Governor knows that. He knows we account for almost 20 percent of the world’s manmade greenhouse emissions. He also knows we account for about one-quarter of the world’s economic output. The bottom line is, the United States has a responsibility to lead on this issue.

The PRESIDING OFFICER. The Senator’s time has expired. Does the Senator from Arizona wish to yield any additional time?

Mr. CARPER. I don’t believe my time has expired. Someone just told me I had 5 more minutes a minute ago. I would ask for 2 more minutes.

Mr. MCCAIN. I yield the Senator 2 more minutes.

The PRESIDING OFFICER. Let me check the calculation of allotted time. It is the understanding of the Chair that 10 minutes that had been yielded has been used.

Mr. MCCAIN. I yield 3 additional minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CARPER. The United States has a responsibility to lead on this issue. Unfortunately, we have not seen a whole lot of leadership coming from
the White House or Congress on global warming—at least not yet. The McCain-Lieberman proposal before us is not Kyoto. It calls for more realistic timeframes for CO\textsubscript{2} reductions and more flexibility for businesses to meet them. In my opinion, the time has come for action. That is not just my opinion, that is an opinion shared by a growing number of American businesses as well. They see the future. They are telling us to act now rather than later.

In the face of overwhelming scientific evidence, most naysayers have moved away from questioning whether climate change is real. They have now pinned their excuse for inaction on the adverse effects carbon constraints would have on the economy. However, some forward-thinking businesses are starting to realize that doing something proactive on global warming represents an opportunity to enhance their bottom line.

Many American businesses are coming to realize that controls on carbon dioxide emissions are probably inevitable. They are saying it makes sense to take small steps now to avoid bigger problems later. A growing number of those companies are concluding that if we act to address climate change now, we can actually help them and their bottom line.

Let me give a couple examples. Companies realize they can make money by being green. Last month, for example, GE chief executive Jeffrey Immelt said his company is prepared to support clean energy and less carbon producing technologies and products to $20 billion. They are saying it makes sense as well. They see the future.

There is also more pressure among our major cities and States to take their own course. While that is encouraging, on the other hand, for businesses that need some certainty and a national game plan, there is a problem with that. We don’t need a patchwork approach. We need is the Federal Government to provide some leadership and certainty for our businesses.

On Social Security, the President says we are going to have a big problem 20, 30, 40 years down the road. In order to avoid a big problem, a big train wreck, we need to take some small steps now. Frankly, the same argument applies to global warming. Thirty, 40, 50 years down the road, we are going to have a huge problem. It would be inverted if we take some small, measured, reasonable steps today. The sooner we get started, the better off we will be and the less likely that a train wreck will occur 30 or 40 years later in this century.

I yield back my time, and I thank my colleagues for their leadership and for bringing this debate to the Senate floor. Let me say to my colleague from Delaware, he has made a very compelling statement for sustaining the status quo. America and America’s industries have awakened to reality, the recognition and moving this country toward cleaner energy and cleaner industry faster than any command and control Federal regulation could bring us there. Last year, a 2.3-percent reduction in greenhouse gases to develop carbon reduction plans. Similar commitments were made earlier by Citigroup and Bank of America. Other companies, such as DuPont, a major global manufacturer headquartered in Delaware, have already begun taking meaningful steps to reduce their carbon dioxide emissions. In the mid-1990s, DuPont began aggressively maximizing energy efficiency as part of a global climate change initiative. This strategy allowed DuPont to hold their energy use flat while increasing production. Their efforts have reduced their greenhouse gas emissions by 45 percent, or $2 billion. That is an example that we can follow.

I yield back my time, and I thank my colleagues for their leadership and for the extra time.

The PRESIDING OFFICER. The Senator from Connecticut.

 Amendment No. 82, as modified

Mr. LIEBERMAN. Mr. President, I thank my friend from Delaware for a very compelling statement. If anybody wasn’t listening to what he had to say, look at the pictures, understanding that he didn’t start out being in favor of this, but the science brought him in this direction. When people look at it with an open mind, they will join us. I thank him for his support.

I ask unanimous consent to make a minor modification in the amendment Senator McCaIN and I have offered and send a modification to the desk. On page 100 of our amendment, it would strike lines 16 through 20. I believe it has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification is as follows: On page 100, strike lines 16 through 20.

Mr. CRAIG. Mr. President, let me thank my colleagues, Senator MCCAIN and LIEBERMAN, for bringing this debate to the Senate floor. Let me say to my colleague from Delaware, he has made a very compelling statement for sustaining the status quo. America and America’s industries have awakened to reality, the recognition and moving this country toward cleaner energy and cleaner industry faster than any command and control Federal regulation could bring us there. Last year, a 2.3-percent reduction in greenhouse gases to develop carbon reduction plans. Similar commitments were made earlier by Citigroup and Bank of America. Other companies, such as DuPont, a major global manufacturer headquartered in Delaware, have already begun taking meaningful steps to reduce their carbon dioxide emissions. In the mid-1990s, DuPont began aggressively maximizing energy efficiency as part of a global climate change initiative. This strategy allowed DuPont to hold their energy use flat while increasing production. Their efforts have reduced their greenhouse gas emissions by 45 percent, or $2 billion. That is an example that we can follow.
was on the floor yesterday making the point. I want to broaden what he said. It is important for us to understand the politics of the business we are in. The politics of the business is now the G8. We have the President going to the G8. The chairman of the G8 is Tony Blair. Tony Blair yet in the political arena of Europe because he got out of favor with them in Iraq, and he is making climate change his initiative. But he is also over in Brussels bidding for more credit because he can’t get the money there for shutting down the economy because the technology is not yet there to get Great Britain there. That is the politics across this issue and the politics across Europe.

My colleague, Joe Lieberman, did something, and it is not a criticism at all. On the joint science academies’ statement of a month ago, I noticed two very big pollutants, India and China, are signatories of this national academy. They are burning coal. They are going to burn a lot more. By the way, please do not call me the chairman of our academy because they are signatories. I said: What is wrong here? Why are you changing your course and direction? Bruce Alberts wrote back to me.

He asked unanimous consent that these letters be printed in the RECORD.

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


BRUCE ALBERTS, Ph.D., President, National Academy of Sciences, Washington DC.

DEAR BRUCE: I received a copy of the “Joint Science Academies’ Statement: Global Response to Climate Change” yesterday and read it with great interest. I was pleased that the recommendations contained in that Statement mirror actions that our government has taken during the last five years to address the potential threat of climate change and reduce greenhouse gases.

As you know, the United States has committed billions of dollars to mobilize the science and technology community to enhance research and development efforts which will better inform climate change decisions. Indeed, the Administration has initiated the White House Climate Change Science Program Strategic Plan that the Academy reviewed and endorsed. Moreover, the United States is engaged in extensive international efforts on climate change, both through multilateral and bilateral activities. The United States is by far the largest funder of activities under the United Nations Framework Convention on Climate Change and the Intergovernmental Panel on Climate Change.

So, it was with dismay that I read the attached press release from the Royal Society, which accompanied the Joint Statement as a rebuke of U.S. policies on climate change. Statements such as: “The current U.S. policy on climate change is misguided. The Bush Administration has consistently refused to accept the advice of the U.S. National Academy of Sciences (NAS)” contained in the press release are offensive and inconsistent with my understanding of the facts. Moreover, the interpretation of the NAS 1992 report on climate change is also contrary to my understanding of that document. Indeed, it appears to me that the Joint Statement is being hijacked by the Royal Society for reasons that have nothing to do with the advancement of scientific understanding of this complex and controversial subject.

I would appreciate a clarification of the meanings of the Joint Statement. I am also interested in the origins of this Statement and am very curious about the timing of the release of this Statement.

Thank you for your prompt attention to this request.


DEAR SENATOR CRAIG: Thank you for your letter of June 8 concerning the statement by eleven science academies on Global Response to Climate Change. I was very dismayed when I read the press release issued by the Royal Society, especially the quote by Dr. Robert May contained in your letter. Their press release does not represent the views of the U.S. National Academy of Sciences, and it was not seen by us in advance of public release. The press release is not an accurate characterization of our academies’ statement, and it is not an accurate characterization of our 1992 report. I have enclosed a copy of the letter that I sent yesterday to Dr. May, President of the Royal Society, expressing my displeasure with their press release.

The eleven academies statement was carefully prepared, and in our view it is consistent with the findings and recommendations of previous reports issued by our academy that underwent rigorous review. These reports include the Policy Implications of Greenhouse Warming: Mitigation, Adaptation, and the Science Base (1992) and Climate Change Scenarios: An Analysis of Some Key Questions (2001).

Our hope was that eleven academies statement would be useful to policy makers as they deal with this important issue. Regarding the timing of the statement, the goal of the academies was to have the statement released prior to the G8 summit in July. The participating academies planned for a release in May, but preparation of the statement and securing its approval took longer than anticipated. As soon as the statement was approved by the academies, it was released a few days later.

I would be glad to provide any additional information or to answer any remaining questions you may have.

Sincerely, BRUCE ALBERTS, President, NATIONAL ACADEMY OF SCIENCES, Washington, DC, June 8, 2005.

Dr. Robert May, President, The Royal Society, London U.K.

DEAR BUS: I am writing with regard to the press release of June 7, 2005 by the Royal Society entitled “Clear science demands prompt action on climate change say G8 science academies”. There, I was dismayed to read the following quote from you: “The current U.S. policy on climate change is misguided. The Bush Administration has consistently refused to accept the advice of the U.S. National Academy of Sciences (NAS).” The NAS concluded in 1992 that, despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now, by reducing emissions of greenhouse gases.”

Your statement is quite misleading. Here is what the report that you cite actually said: “Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now . . . This panel recommends that the options presented below through a concerted program to start mitigating further build-up of greenhouse gases and to initiate adaptation measures that are judicious and practical . . . The recommendations are generally based on low-cost, currently available technologies”. (Policy Implications of Greenhouse Warming: Mitigation, Adaptation, and the Science Base, p. 72, 1992).

By appending your own phrase, “by reducing emissions of greenhouse gases” to an actual quote from our report, you have considerably changed our report’s meaning and intent. As you know, a statement resembling yours was present in the Royal Society’s initial draft for a G8 statement. However, it was removed for carefully explained reasons from subsequent drafts. Thus, the relevant statement in the final G8 text is as follows: “The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to reduce the short-term and long-term reduction in net global greenhouse emissions”.

The actual text of the G8 statement that was finally approved is perfectly consistent with what we have been telling our own government in a variety of reports since 1992, whereas your interpretation of our 1992 report is not.

As you must appreciate, having your own misinterpretation U.S. Academy work widely quoted in our press has caused considerable confusion, both at my Academy and in our government. By appending your own phrase in this way, you have in fact vitiated much of the careful effort that went into preparing the actual G8 statement. As an unfortunate consequence, I fear that Ralph Cicerone, could find it difficult to work with the Royal Society on future efforts of this kind—both in this and other important areas for the future of the world.

Sincerely yours, BRUCE ALBERTS, President,


PROFESSOR BRUCE ALBERTS, President, National Academy of Sciences, Washington, DC.

DEAR BRUCE, Thank you for your letter of 6 June. I am naturally concerned that our press release has caused so much difficulty for you in the Academy and with your Government.

I have read again the relevant part of your 1992 report. Your 1992 quote, says, of course, “despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now.” It then goes on to say “The potential threat of climate change is . . .” (Policy Implications of Greenhouse Warming: Mitigation, Adaptation, and the Science Base, p. 72, 1992).

Now, the Royal Society’s statement is quite different. By appending your own phrase, “by reducing emissions of greenhouse gases” to an actual quote from our report, you have considerably changed our report’s meaning and intent. As you know, a statement resembling yours was present in the Royal Society’s initial draft for a G8 statement. However, it was removed for carefully explained reasons from subsequent drafts. Thus, the relevant statement in the final G8 text is as follows: “The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to reduce the short-term and long-term reduction in net global greenhouse emissions.”

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Sincerely yours, BRUCE ALBERTS, President,
Energy policy recommendations include reducing emissions related to both consumption and production.” The next three pages of recommendations go into detail about how to achieve these actions.

Given the very clear recommendations that your 1992 report contains for reducing greenhouse gases, I fail to see how you could make the accusation that our press release misrepresents its contents. And clearly your 1992 report remains a definitive statement that have placed a significant link to it from the information about the joint statement on the home page of your website. The joint statement and your 1992 report are the same or very similar consistent with the statement in the press release to which you have objected.

I can understand that the Academy may have wanted to re-state its position so clearly and so appropriately now. It is not a politically convenient message for the U.S. Government, particularly at a time when media reports have suggested that there have been attempts to doctor official documents relating to the science of climate change. But the U.S. media coverage of the Academy statement that I have seen appears rather favourable, as has been the media coverage in the UK. Indeed, the Philadelphia Inquirer published a supportive editorial today.

Some of the coverage has suggested that the release of the statement showed “uncharted” political timing. Of course, was by accident, rather than design. We had originally hoped to publish the statement on 24 May, but agreed to delay until 8 June at your request. We were completely unaware when we agreed to the change of date that this was so close to the Prime Minister’s visit to Washington.

In that event, when we moved forward the release by a day when it became apparent that British journalists had discovered a neat-final draft of the statement on the website of the Brazilian academy. And we only issued the release after we had obtained explicit agreement from the Academy and even delayed contacting journalists until your officials had had the opportunity to brief the White House.

I am confident that we acted perfectly properly and am surprised by your comments. I am sure that our two academies will continue to work closely together and that your 1992 report contains for reducing greenhouse gas in it, and recognizes the importance that our country lead in this direction.

I spoke about that yesterday. I spoke about the intensity indicator as it relates to units of production instead of the false game of capping, because that is where you show how much carbon you are using to produce an element or an indices and a unit of economic growth. That is what this all ought to be about. The Hagel-Pryor amendment is about that. I am not going to slip into what some would call the false another way, we hit the targets of the Kyoto protocol by a recession that was by accident, rather than design. There is a profound argument to be made if you decide you are going to cap and control carbon in our country and distort the market and don’t drive us toward new technologies of gasification and all of those things that reduce carbon in the atmosphere.

Let me tell you where it is. A few years ago, when we were debating against Kyoto and we said it would cause a recession here and cost nearly 3 million jobs, it was laughed at by some at that time. I am sorry, you were wrong and a few of us were right. Here are the facts to prove it. The chart speaks for itself. In the industrial sector, during the depth of the last recession we have just come out of, we lost about 2.5, 2.6, or 2.7 million jobs in that sector of our economy. It drove them down to 1990 levels of greenhouse gas emissions. In other words, we hit it. But there is a Kyoto protocol by a recession that took away 2.9 million jobs.

Now, we have continued to grow some in transportation, residential, and commercial. But in the industrial sector, whereas American works, we drove them out of their jobs by the economy’s inaction; whereas, if we had accepted the Kyoto protocol, accepted McCain-Lieberman in principle, we would have had to have the economic argument of the economy. But there is a Kyoto protocol by a recession that took away 2.9 million jobs.

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record the statements of the Royal Academy of Science and the statements of the National Academy of Sciences, and I will let them speak for themselves. I know the politics in Europe probably as well as my colleague from Arizona. I know it is a very green political force that the President and this Government to ratify Kyoto and the Kyoto protocol. We have said no to that. Tony Blair has put unmitigated pressure on this President. He has even lobbied us individually on it, suggesting we ought to get this President to change his mind.

The Senate spoke yesterday. The Senate has not changed its mind. We support our President. The timing, as the Senator from Arizona knows, of this was uniquely special in light of a July 8—I believe it is July 8—conference of the economic powers. So I would imply there is a lot of politics in this. I will take out of that conversation the personality of Tony Blair, although personal lobbied me and other Senators.

Mr. MCCAIN. Mr. President, I am not going to continue this because I am afraid it may evoke further comments by the Senator from Idaho that may further damage the reputation of a great European leader, who is obviously committed to addressing the issue of climate change. I will just say that in the joint academies’ statement, it says in the global response to climate change, there will always be uncertainty regarding a system as complex as the world’s climate. However, there is now strong evidence that significant global warming is occurring.

The question is: Are we going to do something meaningful about it, or are we going to have a figleaf, such as we just passed with the Hagel amendment?

I yield 5 minutes to the Senator from Illinois.

Mr. PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, in every generation, there are several defining moments when we have the chance to take a new course that will leave our children a better world. Addressing the threat of global climate change is one such moment.

Climate change is not just about a particularly hot summer or cold winter. It is not just about a few species of plants and animals. And it is not some far-off threat we don’t have to worry about for hundreds of years.

While there are some who still argue with the overwhelming scientific evidence that details the full magnitude of the problem, the evidence is now all around us. The problem is here. And the solution needs to come now.

Since 1980, the Earth has experienced 19 of its 20 hottest years on record, with the last three 5-year periods being the three warmest ever. This is the fastest rising in temperature for the whole hemisphere in a thousand years.

Here in America, we have seen global warming contribute to the worst drought in 40 years, the worst wildfire season in the Western States ever, and floods that have caused millions of dollars in damage in Texas, Montana, and North Dakota. Sea levels are already rising, and as they continue to do so, they will threaten coastal communities throughout the world.

If we do nothing, these problems will already get more severe. Warmer winters may sound good to us, but they also mean longer freeze-free periods and shifts in rainfall that create more favorable conditions for pests and disease and less favorable conditions for crops such as corn and soybeans.

As more forests and farms are affected, millions of jobs and crops we depend on could be jeopardized.

There are also health consequences to climate change. Rising temperatures mean that insects carrying diseases like malaria are already spreading to more regions throughout the world. And the reduction in ozone layer protections means that more children are likely to develop skin cancer.

Even if we stopped harmful emissions today, we are headed for a one degree increase in temperature by the year 2010. And since we won’t stop emissions today, the temperature outside may increase up to 10 degrees by 2100.

To Illinoisans watching this debate, that means your grandchildren—when they become grandparents—may see Illinois summers as hot as those in Texas, if we don’t act now. And those summers in Texas will be more unbearable.

So what can we do now to protect our planet and our people from the effects of global warming? The first step is to adopt the McCain-Lieberman amendment. This bipartisan approach to addressing climate change is not only good environmental policy, it is good economic policy.

This amendment allows the market to determine the best approaches to reducing greenhouse gas emissions and rewards those with the most cost-effective approach by enabling a cap-and-trade allowance system. The revenues generated from this program will go directly to training workers, helping the industries most affected by the reductions, and providing the necessary funds to ensure that the United States, not China or India, is the leader in energy innovations such as coal gasification, smaller and safer nuclear plants, and clean coal technologies.

Since so many people in Illinois depend on coal for jobs and for energy, and since America is essentially the Saudi Arabia of coal, I am also pleased that this amendment will specifically authorize and demand extra allowances for coal companies that use carbon sequestration methods.

The underlying bill will provide $200 million for clean coal technology, $500 million for carbon capture and storage, and $2.5 billion for clean coal based power generation technologies.

This two-track approach—a strong investment in clean coal, coupled with providing certainty to industry so they may prepare for investment in these technologies today—is the right approach to both strengthen our economy and lead us toward the 21st century energy policy.

The United States should be leading the world in investing in existing technologies that harness coal’s power while reducing its pollutants.

We now have applications to construct 100 new coal plants. Plants all around the world will get built no matter what, but if we do not make sure each one is equipped with the right technology, future generations will be forced to live with the consequences—dirtier air and dangerous climate change.

We know this country’s scientific minds already have the ideas to lead the United States into the future. In this increasingly competitive global marketplace, government needs to do its part to make sure these ideas are developed, demonstrated, implemented here in the United States, and the McCain-Lieberman amendment can do just that.

Let me make two final points. This administration repeatedly says it will base its policies on sound science. The Senate spoke yesterday. The President to change his mind. He has even lobbied us individually on that. Tony Blair has put unmitigated pressure on this President. He has even lobbied us individually on it, suggesting we ought to get this President to change his mind.

Mr. OBAMA. Mr. President, I ask unanimous consent to proceed for 1 minute.

Mr. PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. OBAMA. I thank the Chair.

The science is overwhelming that climate change is occurring. There is no doubt this is taking place. The only question is what we are going to do about it.

The previous speaker, the fine Senator from Idaho, indicated that our economic growth might be hampered by acting with the world. The fact is, when we look at similar strategies that were developed in passage of the Clean Air Act in the 1990s, it turned out that the costs were lower and the benefits higher than had been anticipated. Economic growth was not hampered; rather, innovation was encouraged and spurred in each of these industries.

The last point I wish to address is the point that was made that other countries may be polluting a lot more than we are. I think that is a legitimate concern, but it is impossible for us to encourage countries such as China and India to do the right thing if we, with a much higher standard of living and having already developed ourselves so we are the energy glutton of the world, are unwilling to make these modest steps to decrease the amount of emissions that affects the atmosphere overall.

While all we the wealthy nations cannot do it, we cannot expect developing nations to do the same. That is why taking this important step with McCain-Feingold—is so important. That is why I
congratulate both Senator LIEBERMAN and Senator MCCAIN for taking this important step.

I urge all my colleagues to support this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend. I don’t mind him calling it McCain-Feingold.

Mr. OBAMA. That passed.

Mr. LIEBERMAN. We are going to stick with this as long as Senator McCain and Senator FEINGOLD have, which is to say, until it passes.

I thank the Senator from Illinois for a very eloquent statement.

Mr. President, I am very happy to see the Senator from Hawaii, Mr. AKAKA, is here. He has asked for up to 10 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for up to 10 minutes.

Mr. AKAKA. Mr. President, I thank Senator LIEBERMAN.

Climate change is a topic that is very important to Hawaii, Pacific islands, and coastal States in general. I have served on the Senate Committee on Energy and Natural Resources since I joined the Senate in 1990. The committee has held hearings on global change almost every year since then, regardless of which party held the majority. It has become clear that our understanding of the interactions of the oceans and the atmosphere, and the modeling of terrestrial and coastal impacts of climate change. Fifteen years ago, scientists were uncertain about the effects of global warming. Today, nearly 95 percent of scientists say that global warming is a certainty.

Most recently, the national academies of science of 11 nations joined together in a joint science academies statement on the need for a global response to climate change. Among the prestigious scientific bodies signing the statement was our Nation’s National Academy of Sciences, the Chinese and Russian Academy of Sciences, and the Science Council of Japan. The signatories urged all Nations to take prompt action to reduce the causes of climate change and ensure that the issue is included in all relevant national and international strategies.

I believe that the relatively small cost of taking action now is a much wiser course of action than forcing States and counties to bear the costs of severe hurricanes and typhoons, and replacement of bridges, roads, seawalls and port and harbor infrastructure. In my part of the world climate change will result in a phenomenon that strikes fear in the hearts of many island communities. This phenomenon is sea level rise. Sea level rise, storm surge, and intrusions of seawater into coastal areas is increasing and flooding will impose very high costs on island and coastal communities, but these costs, which are real and are happening already, are not being addressed.

I would like to describe some disturbing recent information that relates to sea level rise. Scientists at the 2004 Climate Variability and Predictability program, also known as CLIVAR, under the auspices of the World Climate Research Programme, have offered evidence that global warming could result in a melting of the Greenland Ice Sheet much more rapidly than expected.

The World Climate Research Programme is a group of renowned scientists that focuses on describing and understanding variability and change of the physical climate system on time scales from months to centuries and beyond. The research has important implications for Earth and coastal low-lying areas and communities worldwide, from Native communities in Alaska along the shores of the Bering Sea, to the Pacific nations of low-lying atolls, to the bayous of Louisiana and the delta regions in Bangladesh.

Using the latest satellite and paleoclimatic data from ice cores of the Greenland Ice Sheet, the world’s largest ice sheet, studies indicate that the last time the ice sheet melted entirely was when the temperature was only three degrees Celsius higher than it is today. At first this puzzled scientists because it didn’t seem that such a modest temperature rise could melt so much ice. However, recent expeditions have revealed large pools of standing water which feed enormous cracks in the ice sheet, over a mile deep. Scientists believe that the ice sheet could break up at a much lower temperature than previously thought. Current projections for warming due to greenhouse gas emissions are relatively uncertain and could rise three degrees Celsius in less than 100 years, almost guaranteeing the melting of the Greenland Ice Sheet.

Complete melting of the ice sheet would result in a 6 meter, or about 18-foot, sea level rise, inundating many coastal cities and causing small islands to disappear. The effects are expected to be felt in high latitude regions earlier than others. In 2004, the Senate had field hearings in Alaska where Native villages are experiencing the effects of sea level rise. Their ice sheets, or their disappearance, are driving sea level change. It is time to connect the dots with respect to global warming.

I am particularly concerned for islands in the Pacific. There are changes in our islands that can only be explained by global phenomena such as the buildup of carbon dioxide. Globally, sea level has increased 6 to 14 inches in the last century and it is likely to rise three feet by the year 2100. This would be a 1- to 2-foot rise. You can imagine what this might mean to port operators, shoreline property owners, tourists and residents who use Hawaii’s beautiful beaches, and to island nations throughout the Pacific whose highest elevation is between three and 100 meters above sea level. A typhoon or hurricane would be devastating to communities on these islands, not to mention the low-lying coastal wetlands of the continental United States.

I am alarmed by changes in Hawaii. The sandy beaches of Oahu and Maui are eroding. In addition, we have lost a small atoll in the Northwestern Hawaiian Islands. The Northwest Hawaiian Islands is an archipelago of atolls, shools, and coral reefs that are a 2-day boat trip or 4-hour plane flight from Honolulu. They are known to be one of the most pristine atoll and coral reef ecosystems left in the world and are currently in protected status as a marine reserve.

Whale-Skate Island at French Frigate Shoals was an island with vegetation and thousands of seabirds nesting on it. It was a nesting area for sea turtles, and many Hawaiian Monk seals pupped there, according to a wildlife biologist who wrote her thesis on French Frigate Shoals.

Today, it is all water except for one-tenth of an acre. The 17 acres of habitat for Monk seal pups, nesting birds and turtles that has been there since the turn of the century, is virtually gone. Although atolls and shools can lose their land area from seasonal sand erosion, this one is almost entirely gone and has been “downgraded” from an island to a “part-time sand spit.” Similar fates face communities located on low-lying Pacific islands.

The residents of the Pacific island nation of Tuvalu are considering relocation from their homes. Rising sea level has turned their wells salty and filled their crop-growing areas with sea water. The impacts of climate change are not going to be felt reticently. The effects of sea level change will be felt in our island communities. The Northwest Hawaiian Islands is an archipelago of atolls, shools, and coral reefs that are a 2-day boat trip or 4-hour plane flight from Honolulu. They are known to be one of the most pristine atoll and coral reef ecosystems left in the world and are currently in protected status as a marine reserve.

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in the United States. If we fail to address the issue of climate change now, the U.S. may have to face catastrophic and expensive consequences. A relatively small investment today is far wiser than spending vast amounts in the future to destroy our infrastructure, restore altered ecosystems, and reinvest in collapsed agricultural and fisheries industries. Scientists at the Massachusetts Institute of Technology conducted a study that analyzed the proposed costs of the Lieberman-McCain amendment and estimated the cost to be less than $20 per household per year. The Energy Information Administration, part of the Department of Energy, estimates the loss in consumption to be around $40 to $50 per household per year in 2010. The analysis also shows that the impact on real gross domestic product to be minimal, that is, not changing it from the baseline reference. The European Union EU has adopted a mandatory cap and trade program with a carbon dioxide reduction target of eight percent by the year 2012. The compliance costs of the EU greenhouse gas reduction program are expected to total less than 0.1 percent of its Gross Domestic Product. The U.S. minimal cost from their economic growth even under a rigorous approach.

The United States has the technological capabilities and intellectual resources to lead the world in an effort to reduce future greenhouse gas emissions. I thank Senators LIEBERMAN and MCCAIN for recognizing the importance of climate change and taking the lead on legislation to stabilize greenhouse gas emissions in the 108th Congress and this Congress. I also greatly respect Senators MCCAFFREY and LIEBERMAN for recognizing the importance of climate change and taking the lead in establishing bipartisan policy principles to establish a climate change debate thus far. However, I do respectfully disagree with my colleagues that we are at the point in this debate at which we ought to be enacting cap-and-trade regulatory regimes in our amendment. In fact, in taking a look at some of our friends around the world who have implemented a mandatory cap-and-trade system, I believe that the facts show that this approach has not worked. There is another method, another way, for us to approach this.

Canada, for instance, which has enacted the Kyoto treaty cap and trade, projects it will exceed its Kyoto commitments by well over 50 percent. Japan, the “home of Kyoto,” has projected it will exceed its Kyoto commitments by over 74 percent. Many other projections coming from places other than Brussels have the EU doing even worse. In fact, only two European Union countries, the United Kingdom and Sweden, are on track to meet their Kyoto targets. Germany, despite its head start on shutting down some of the industrial base actually of East Germany after reunification, is not projected to meet its Kyoto obligations in 2012. Instead, they have switched to nuclear production and away from traditional sources of power like coal. I believe nuclear power needs to play a greater role in our own power generation, and I think it will lead clearly to reductions in greenhouse gas emissions.

I respect Sweden for their adoption of nuclear power, and it is my hope the
United States will see fit to follow suit, as it fits, in this country.

The United Kingdom is meeting its target by three fundamental shifts in their economy, two of which I do not believe to be helpful. First, they are burning less coal and more natural gas, due to large stockpiles of natural gas. This is actually as a result of Prime Minister Thatcher’s desire to break some of the unions organized around coal in the 1980s. This accounts for about one-third of their reduction. I wish we had the natural gas base that they do. We have some. We have some in my State. It looks as if we will be able to bring in more liquefied natural gas. That will help. But that model does not particularly fit within the United States.

The second place in which the United Kingdom has reduced its carbon emissions is by losing manufacturing and industry jobs to developing countries such as China and India. That is not a model that I would follow. The United Kingdom may get credit for reducing emissions, but it goes to developing countries like China and India that in many cases are using outdated technology, and therefore producing more pollution than if those jobs had stayed in the United Kingdom. We want these jobs to stay in the United States, not move out of country. Plus, the countries of China and India are emitting more pollutants, such as sulfur and nitrogen, into the atmosphere as well.

It is clear that while the United Kingdom can claim reductions due to this shift, the atmosphere is in fact worse off with this kind of shift. This is obviously not a way the United States should seek to reduce our greenhouse gas emissions.

Finally, the United Kingdom has reduced their emissions through advanced technologies and is producing energy in a way that I think is environmentally sensitive and economically beneficial. That is clearly a preferable way for us to move forward in reducing greenhouse gas emissions. That is why I supported the Hagel amendment. I believe it is a positive step in that direction. I want to commend my colleague from Nebraska for offering a voluntary approach, providing incentives for new greenhouse gas-reducing technologies and technology transfer that would help our friends in developing regions of the world. Those of us who are committed to transferring carbon out of the atmosphere but have the more immediate and tangible benefits of improving water quality and preserving wildlife habitat. We have seen this taking place in my home State.

Carbon sequestration—or the process of transforming carbon dioxide in the atmosphere to carbon stored in trees and soils—is a largely untapped resource that can buy us one of the things we need most in the debate over global warming, and that is time and accomplishment at the same time.

The Department of Energy estimates that over the next 50 to 100 years, agricultural lands alone could have the potential to sequester from 40 to 80 billion metric tons of carbon from the atmosphere. If we expand this to include forests, the number will be far greater, indicating there is a real difference that could be made by encouraging and supporting carbon sequestration, type of approach.

This alone cannot solve our climate change dilemma, but as we search for technological advancements that will allow us to create energy with less pollution, as well as rework the cause and potential effects in climate change, it only makes sense that we enhance a natural process we already know has the benefit of reducing existing concentrations of greenhouse gases, particularly when this process also improves water quality, soil fertility, and wildlife habitat.

As I say, this is a “no regrets” policy, similar to taking out insurance on one’s house or car. We should do no less to protect our future.

Another way in which we can help reduce the amount of carbon emitted into our atmosphere, while helping our environment, is through the increased uses of renewable energy, namely biomass converted into electricity. I believe this could revolutionize the energy sector and greatly help a number of places around our country.

Energy can be created from biomass by using many agricultural waste products such as grassland that is currently in the Conservation Reserve Program or other conservation reserve programs for biomass production. Not only does this provide a clean source of energy, it also creates a new market for many of our agricultural producers.

Another renewable source of energy comes from wind development. I am a fan of wind development. I believe it to have great potential in producing clean energy that will help the United States break our energy independence. However, I also believe our environmentally sensitive areas and environmental treasures should be protected from wind development. That is why I am also pleased to support my colleagues, Senator Alexander and Senator Warner, on their environmentally responsible Wind Power Act of 2005. In my home State of Kansas, we are blessed to have a portion of the last remaining tall grass prairie in the Nation. The Flint Hills of Kansas have virtually been untouched and unplowed by man. It would be a shame to wreck these treasures for future generations simply as a way of putting wind turbines on them.

I am in favor of wind development. However, we must be wise not to harm our environmentally sensitive areas or unique environmental treasures.

Because of my belief in the future potential of energy production from biomass and wind development, I supported Senator Bingaman’s renewable portfolio standard amendment that passed the Senate last week. Not only does it include both renewable energy that is produced at home, but my home State will as well and will lead the way.

Finally, I believe we, as a Nation, need to invest more in nuclear energy. I commend both Chairman Voinovich and Ranking Member Bingaman for their hard work on this bipartisan Energy bill that includes many strong provisions for expanding our Nation’s nuclear power industry. I heard my distinguished colleague from Tennessee, Senator Alexander, mention that nuclear power represents 20 percent of our total power, yet accounts for 70 percent of our carbon-free power.

Clearly, more needs to be done in diversifying our energy sources, and I believe this Energy bill is a step in the right direction. I do commend my colleagues, Senator McCain and Senator Lieberman, for adding a robust nuclear section in their climate change bill. I believe it is the right step. I believe we could go even so far as to say that this move may have had dangerous political consequences for their bill, but I believe it is the right step for us to move forward.

As I stated at the outset when I entered into this debate, I believe we are seeing global climate change. I do believe that consequences of man’s actions are here. I believe, though, we have a series of options that are more likely to produce the results we need than a heavy regulatory approach. While I appreciate the McCain-Lieberman approach, I think this other route is a better way to go.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. First, I thank the Senator from Kansas for his excellent remarks. I think the Senator from Tennessee had a response or a couple of minutes, that he wanted to respond to something that was said; is that correct?
Mr. ALEXANDER. That is correct. I thank the Senator from Oklahoma.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield time?

Mr. INHOFE. I yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes.

Mr. ALEXANDER. Mr. President, I applaud the remarks of the Senator from Oklahoma. I will focus on the clean energy aspects of the Domenici-Bingaman bill, which is making significant progress in producing low-carbon and carbon-free energy, transforming the way we produce electricity.

I also appreciate the cosponsorship of the environmentally responsible wind power amendment. Kansas, of course, has a lot of wind. There may be many places where people want it to be, but there are some places in the interior, some of the desert States where we do not need to put gigantic towers between us and our children and our grandchildren; for example, the Statue of Liberty, and the Great Smoky Mountain Park, and Yosemite Park.

This legislation is a very limited amendment that would deny Federal subsidies for that area, give communities 6 months’ notice before they are to be built there but otherwise would not interfere with private property rights, prohibit the building of any wind project, affect any project now underway, and would not give the Federal Energy Regulatory Commission any new powers in this sense.

I hope it is the kind of amendment all Senators can easily support. Whether they are strong supporters of wind power or have reservations about wind power, at least we do not want to see gigantic towers in the buffer zones between our national treasures, the highly scenic areas, and ourselves and our children and grandchildren.

I thank the Senator from Kansas for his support.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from New Mexico, Mr. DOMENICI, is on his way to use his remaining time. While he is doing that, I will comment that the statements that have been made are excellent. We have agreed we will use the remainder of our time. I will use about 10 minutes, whatever time I have, and they will have the last 10 minutes. They are not in the Senate right now. We should serve notice we want the concluding remarks as soon as the Senator from New Mexico completes his remarks.

There are a couple of things of interest. First, one thing, it is interesting when we hear about the science. I will have a chance in a minute to talk about the science and how flawed the science is. Look at the Oregon petition. Over 17,000 scientists signed a petition. I will read one paragraph from that petition:

There is no convincing scientific evidence that human release of carbon dioxide or methane or other greenhouse gasses is causing, or will, in the foreseeable future, cause catastrophic heating of the Earth’s atmosphere and disruption of the Earth’s climate. Moreover, there is considerable scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon plant and animal environments of the Earth.

It is important that we realize CO₂ is not a pollutant. CO₂ is, in fact, a fertilizer. CO₂ is needed. CO₂-enhanced earth grows crops better than it does in the absence of CO₂.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from New Mexico controls 6 minutes.

Mr. INHOFE. The Senator can have more.

Mr. DOMENICI. Mr. President, I hope I can say what I want to say in 6 minutes. If not, I will ask the Senator for a couple more minutes.

I note Senator BINGAMAN is in the Senate. About a week ago, 6 days ago, there was a comment that Senator BINGAMAN had a proposal that would move the direction of mandatory cleanup for carbon. I was intrigued by the proposal and suggested a way to do it. They had testified before a committee hearing in the Energy and Natural Resources Committee. We were intrigued when they talked about their idea. Senator BINGAMAN had taken it upon himself to put those preliminaries into the format of a bill.

It was said, and I was quite surprised at how much notoriety ensued, that I might be joining my New Mexico partner in his proposal. And that was true, I was considering. And, in fact, we did consider it.

The Senate should know, at least from this Senator’s standpoint, what I found out. I found out it is very easy to say we ought to have some mandatory reductions. It is very easy to say what percent reduction there should be. As a matter of fact, the proposal we were looking at sounded rather achievable. Certain natural projects were compared with the Kyoto accord and compared with the McCain-Lieberman proposals, quantitatively in many areas—effect on growth, what it will do to the use of coal, how many jobs might it cause. It was sound.

One of the things I was considering, when compared with the Kyoto accord and compared with the McCain-Lieberman proposals, was the Kyoto accord and the McCain-Lieberman proposals, quantitatively in many areas—effect on growth, what it will do to the use of coal, how many jobs might it cause. It was sound.

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who want to set a goal, know that is not so. That is why it will lose.

I thank the Senator for yielding me 2 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, saying that it cannot be done, the Europeans are doing it with far less stringent measures to be taken than what we have.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that I have 20 minutes and the Senator from New Mexico and the Senator from Connecticut will close the debate.

Let me, first of all, say—well, this is a good chart. I was not going to use this one, but this shows what the Senator just observed. I do not believe it is totally accurate because the only retractor just observed. I do not believe it is a good chart. I was not going to use and that the Senator from New Mexico under understanding that I have 20 minutes measures to be taken than what we are doing it with far less stringent that it cannot be done, the Europeans out 2 days ago this is a release from the EU, greenhouse gas emissions up to 2003. It was just released. It says: Between 2002 and 2003, EU-25 emissions increased by 1.5 percent. That means that has taken up all the reductions from the previous year, 2002.

In the time I have, I am going to try to cover a lot. When debate is closed, they will get the last word. But I only ask the indulgence of my fellow Members to realize that there is a lot of hysteria out here. The hysteria out here is not well founded.

I am old enough to remember the hysteria back 20 years ago or so. This was on the cover of Time magazine, talking about another ice age coming. It said: However widely the weather varies from place to place and time to time, climatologists take an average of temperatures around the globe, they find that the atmosphere has been growing gradually cooler for the past three decades. The trend shows no indication of reversing.

So everyone was hysterical. The same people who are now talking about global warming were talking about another ice age coming.

Now, just one by one, let’s, first of all, take the study that started this whole thing in 1998 that was by Michael Mann. It is very important that we look at this. This was the famous “hockey stick.” If you look at the blue line, that supposedly goes from the years 1000 to the 20th century. It is just a horizontal line. And then, all of a sudden, it starts shooting up; and that is the blade of the hockey stick.

Now, what he has failed to put on this chart is that if you will take the actual temperatures from 1400 to 2000— that is the black line—they are relatively even.

But then, as shown by the next chart, which was in yesterday’s Wall Street Journal, when you throw in the fact that we had the medieval warming period, it shows it was actually warmer in that period of time. The medieval warming period was about from 1000 A.D. to 1350 A.D.

Temperatures were warmer then than they have been in the 20th century. It just shows that theory has been refuted by many people in that it really is not accurate and should not be used.

Next, on climate models: Climate models are very difficult. People use them freely around here. Those who are listening and, hopefully, those who might be looking at the logic of this will not buy this idea.

The National Academy of Sciences said:

Climate models are imperfect.

Peter Stone, the climate modeler from MIT, said:

The major [climate prediction] uncertainties have not been reduced at all.

The uncertainties are large.

The George C. Marshall Institute:

The inputs needed to project climate for the next 100 years, as is typically attempted, are unknowable.

Further, a professor from MIT: The way current models handle factors such as clouds and water vapor is disturbingly arbitrary. In many instances the underlying physics is simply not known.

I think we have to understand if all of this is predicated on climate charts, climate charts are not perfect.

The Oregon petition—I covered this many times. People say: Inhofs is going to come up with some scientists who might refute this. For someone to say that the science is settled, for someone to say there is a consensus in terms of the science, when you look at the Oregon petition, which had 17,000 scientists, it is stated, as is on the chart behind me:

There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gasses is causing, or will cause, catastrophic heating of the Earth’s atmosphere and disruption of the Earth’s climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural planet and animal environments of the Earth.

Recognizing, as we said before, that CO2 is not a pollutant; CO2 is a fertilizer.

I would, lastly, quote James Schlesinger, who was the Energy Secretary under President Carter. He said: There is an idea among the public that the science is settled. That remains far from the truth.

So it is not a matter of Republicans or Democrats. These are the experts saying that the science is not there. Now, we could go—and I will come back to this subject with the time we have left, but I would like to start off with the assertion that Kilimanjaro—I happen to have flown over Kilimanjaro twice in the last week. I looked down and saw that there is a change that has taken place.

If you look at this picture from 1976, there was very little ice on there. In 1983 there was a lot more. In 1997, there was considerably less. But the Center for Science and Public Policy summarized the Kaiser study and said: The ice fields on Mount Kilimanjaro started melting in response to a climate shift that occurred near the end of the 19th century, well before any alteration in the Earth’s greenhouse effect. That referred to the amount of money in the air in the vicinity of the mountain. Manmade global warming has nothing to do with it. I repeat, nothing to do with it. Yet we hear it over and over again. And I am sure we will hear it in the closing remarks.

In terms of glaciers and ice caps and research that has been done—that was in the Journal of Climate—research done by Holloway and Sou in 2002 revealed that claims of thinning arctic ice came from submarine measurements of only one part of the Arctic Ocean. Additionally, decadal changes and scaled wind patterns rearranged the ice, giving some regions thinner and others thicker amounts of ice.

Well, it is easy to see where the ice is thinner than it was, but, on the other hand, it is actually thicker.

It goes on to say in the Journal of Glaciology: For the mass balance of glacier measures, the gain and loss of ice is not the total of the 160,000 glaciers for which mass balance data exists over a single year. So the data is not there on that argument.

They talk about hurricanes, the fact that hurricanes are coming, and somehow this has something to do with global warming.

Well, if you look at this chart, it talks about the hurricanes dating back to 1900, and each decade since then up to 2005. You can see, yes, it did peak out around 1940. And then it has been going down ever since, and considerably lower than that peak was.

According to Dr. Christopher Landsea, who is considered to be the foremost expert on hurricanes, he says: Hurricanes are going to continue to hit the United States in the Atlantic and gulf coast areas. And the damage will probably be more expansive than in the past. But this is due to natural climate cycles which cause to be stronger and more frequent and the rising property prices of the coast, not because any effect CO2 emissions have on weather patterns.

He says: Contrary to the beliefs of environmentalists, reducing CO2 emissions will not lessen the impact of hurricanes.

So, in fact, it is just not true. You hear it over and over again, but it is just not true. You hear about the sea rising: The sea is rising. Things are disappearing. In fact, the famous island, Tuvalu Island, was supposedly going to be falling into the ocean and be covered up. According to John Daly—he is
considered to be an expert—well, let's use the 2004 Global Planetary Change: There is a total absence of any recent acceleration in sea level rises as often claimed by IPCC and related groups.

It is not rising, folks. It is just not happening. The problem, other says, is the scientific Academy of Sciences. What he was referring to is a press statement. It is not. The science shows clearly it is not rising. The Arctic Climate Impact Assessment report has been referred to several times. If you look at the temperatures between 1934 and the currently—this chart goes to 2003—you see there was considerably warmer back during 1934.

Let's now go to the economic impacts. This is probably one of the things that really should be considered more than anything else at this point because people think if there isn't going to be any great economic impact, why shouldn't we go ahead and do it. I am using here not S. 139, the bill we discussed in October of 2003, because this one is a little bit less than that. It is a little more modest. Enacting the McCain-Lieberman bill would cost, according to Charles River Associates, the U.S. economy $507 billion in 2020, $545 billion in 2025. Implementing Kyoto would cost the U.S. economy $305 billion in 2010, $243 billion in 2020. Under Kyoto, for the average family of four in America, it would cost them $2,700 a year. This bill will only cost them $2,000 a year. So maybe that isn't quite as bad as it would have been otherwise.

The bottom line: It is very expensive. And that is not just Senator Inouye talking. We are quoting CRA, which is the recognized authority, like the Hor- ton Econometric Survey that talked about how it will affect the rising cost of energy, electricity, gasoline, how much it costs a family of four. It would be very detrimental to our country.

In terms of jobs, enacting the McCain-Lieberman amendment would mean a loss of 800,040 jobs in 2010 and 1.3 million jobs in 2020. This is down a little bit from the full-blown Kyoto, but 1.3 million jobs is significant.

In terms of energy prices, McCain-Lieberman would increase energy prices in 2020 by 28 percent for gasoline, 20 percent for electricity, 47 percent for natural gas, and much more for coal.

Just a few minutes ago, the Senator from Arizona talked about the National Academy of Sciences. What he was referring to is a press statement. It was not, 5. Senator Feingold. Their last report states as follows:

There is considerable uncertainty in current understanding of how the climate sys-
tem varies naturally and reacts to emissions of greenhouse gases and aerosols. A causal linkage between the buildup of greenhouse gases and the observed climate change in the 20th century unequivocally estab-
lished. The IPCC Summary for Policymakers could give an impression that the science of global warming is settled, even though many uncertainties remain.

So much for the National Academy of Sciences.

I think there are two charts that are very significant. First of all, let's just assume for a minute that everything they say about energy caps, everything they say about signing on to the Kyoto treaty, that all of that is true. If all that is true, this chart probably the most significant chart we have. This chart shows that if it is true, if you look at the black line, that is what would happen with Kyoto. Without Kyoto, look at the blue line. It is so little difference that it is not measurable. In other words, by the year 2050, the change would be something like 0.06 degrees centigrade, which is a change temperature too small to even be detected in global averaging.

This is back when the Bingaman amendment would have been here, so you can ignore that since apparently that is not coming true. If nothing is done right now, if you project a temperature rise, it would be 1.71 degrees Fahrenheit, if there is no action taken at all. If you go McCain-Lieberman, it would be 1.61 Fahrenheit. Between those two, it is not even a noticeable difference.

I am hoping we will have an opportunity for people to see the truth and people to see what the real science is, see the real economic impact.

There are a couple things that are incontrovertible. First, we know the economic impact is great. They might argue a little bit that we have taken the economic impact in terms of the Horton Econometric Survey as early as this week. They have been convinced. They have been convinced.

There are two charts that are involved in this thing.

I would like to also mention that there is a lot of polling data. But the most recent polling data was 3 days ago. What does an ABC News poll show? Most people do believe that global warming is underway. They have been convinced of that because we have a very liberal media that wants people to believe that. We have people who want to think the world is flat. The world is flat, and yet there is a lot of polling data.

However, in asking the question. Do you favor Government action, 38 percent said yes, 58 percent of the people said no. It seems to me that in spite of all the misinformation that is floating around, the truth is getting out.

Let me wind up by reminding every-
one that we do have pollution problems. They are not with global warm-
ing. They are not with CO2, methane gas, the dire warnings regarding energy we see every day in the news:

Oil prices soared past $59 a barrel on Monday even as the president of OPEC said the group will consider raising its production target by half a million barrels a day as early as this week.

The Wall Street Journal reported on June 8 that high energy prices are the leading cause of a world-wide slowing in manufacturing growth. A survey of chief financial officers, conducted by Duke University and CFO Magazine, found that 87 percent of U.S. manufacturers said they were facing pricing pressures as a result of high energy and raw material costs.

Farmers have decried the high cost of oil and natural gas, fearing it may drive them out of business. Farmers use diesel to run their tractors and other equipment, natural gas to produce fertilizer, and gasoline to get to market. Without oil, the price of gasoline has doubled in the last 3 years, and natural gas by 66 percent over the same time period. An AP story of May 13 states that this means farmers will spend an additional $3 billion in energy costs, a 10-percent increase in overall costs.

Nationwide, farmers paid $6 billion more for energy in 2003 and 2004, in part
because higher natural gas costs have pushed the average retail cost of nitrogen fertilizer from $100 per ton to more than $350 per ton.

Consumption of natural gas is exceeding production at an increasing rate; commercial and industrial consumers have paid over $130 billion more for natural gas than they did 2 years ago, an 86 percent increase.

Despite oil prices of nearly $60 per barrel, continued growth in oil consumption will result in still-higher prices and further damp economic growth. Gasoline and diesel use continues to rise strongly in the U.S., the largest oil consumer by far, despite high prices and a slowing economy. China is now the world's No. 2 oil user, and it continues to burn more fossil fuel to power its domestic economy and meet rising demand for its goods. Economists say energy prices are reemerging as a prime constraint on the world's growth potential, and they have trimmed their projections for economic growth by a quarter point as a result.

China faces a coal shortage by 2010, according to a May 25 AP story. China will consume 2.2 billion tons of coal by 2010, 300 million tons of tons per year less than today. By 2020, China will consume 3.1 billion barrels of crude oil and 7 trillion cubic feet of natural gas a year, with half of the oil imported.

What does this mean? Greater demand for energy means higher prices, higher even than those we are facing and trying to reduce today. As I have already stated, high energy prices have a direct and negative impact on economic growth. As world demand for energy grows and prices rise, manufacturers face higher costs. They have a harder time meeting payroll, and people lose their jobs.

Senator MCCAIN states that his plan to eliminate greenhouse gas emissions is “affordable and doable.” However, McCain-Lieberman will undoubtedly drive up the cost of energy at a time when we are seeking for ways to increase energy supply and reduce energy costs. Direct costs of the program are estimated to be upwards of $27 billion annually. Studies by the Competitive Enterprise Institute show that McCain-Lieberman will lead to a cumulative loss to gross domestic product of $776 billion through 2025. In addition, studies by a group sponsored by the National Black Chamber of Commerce and the Small Business and Entrepreneurship Council, cite studies that show the climate bill would cost the U.S. economy over 600,000 jobs. We can’t afford this kind of hit to our GDP or the loss of jobs that could result from this proposal.

Jobs lost as a result of adopting an onerous climate change proposal will be exported overseas to countries that do not cap their emissions. So not only will we lose jobs, but the emissions will be, too. This bill purports to address “global” warming. The bill’s proponents are correct that the problem, to the extent there is one, is not regional or national but global. However, the fix we are debating would hamstring our economy by driving up energy costs while doing nothing to limit emissions in developing countries.

Already, high natural gas prices have cost America's chemical sector nearly 90,000 jobs and $50 billion in business to overseas operations. Of 120 chemical plants being built around the world with price tags of $1 billion or more, just 1 is in the U.S. while 50 are in China.

Interestingly, the May 5 AP article I referenced earlier notes that China’s massive demand for coal is leading managers to ignore safety, causing 5,000 mining deaths per year. If China is not worried about mining safety, we can be pretty certain that they are not going to worry about greenhouse gas emissions.

Advocates for this amendment continue to point to the Kyoto Protocol. What did the Senate say to Kyoto? As you know, in 1997, the Senate voted 95 to 0 to a Byrd-Hagel resolution assailing Kyoto’s provisions, leaving President Clinton unable to even bring the Kyoto treaty up for a vote by their own admission. McCain-Lieberman is Kyoto-lite. It will cost hundreds of billions of dollars, and to what end? It may not even solve the problem it purports to solve. Yes, there will be lower emissions under this amendment; however, those in favor of Kyoto say Kyoto only scratches the surface.

Environmental groups concede that it will have no impact on what they believe to be impending catastrophic global warming.

Greenpeace International agreed that the Kyoto Protocol should only be an entry point for controlling greenhouse gas emissions. Jessica Coven, a spokesperson for the environmental group, told CNSNews.com that “Kyoto is our first step and we need increasing emissions cuts.”

“The Kyoto Protocol . . . doesn’t even go near to what we need in the Arctic,” said Sheila Watt-Cloutier, chairwoman of Inuit Circumpolar Conference. “Kyoto will not stop the dangerous sea level rise from creating these kinds of enormous challenges that we are about to face in the future.” I know many of you here believe that we must go beyond [Kyoto],” she said during a panel discussion.

Despite the fact that green groups at the U.N. climate summit in Buenos Aires called President George Bush “immoral” and “illegitimate” for not supporting the Kyoto Protocol, the groups themselves concede the Protocol will only have “symbolic” effect on climate because they believe it is too weak. Kyoto is an international treaty that seeks to limit greenhouse gases of the developed countries by 2012.

“I think that everybody agrees that Kyoto is really, really hopeless in terms of delivering what the planet needs,” Peter Roderick of Friends of the Earth International told CNSNews.com. “It’s tiny, it’s tiny, tiny, it’s tiny,” Roderick said. “It is woefully inadequate, woefully. We need to talk about climate change from climate change.” Roderick believes a global climate emergency can only be averted by a greenhouse gas limiting treaty of massive proportions. “We are talking basically of huge, huge cuts,” said Roderick.

I ask you, if Kyoto isn’t enough to solve the purported problem, and McCain-Lieberman would reduce emissions by even less, why are we even thinking of doing it?

What we need is a comprehensive energy policy that recognizes our need for a secure and affordable supply of energy that drives economic growth and creates jobs in America. Our energy policy cannot be formed in a vacuum; it must recognize the global competitive environment we face and why such competition exists.

The United States is a model for much of the world. Developing nations have seen the value of low cost energy as a means of lifting their citizens out of poverty. We are seeing it today in China and India, and they are not doing it relying on government mandates and bureaucracy. They are improving the standard of living of their people through economic growth that provides good paying jobs for hard working citizens.

Does this mean we have to choose between a strong, growing economy and a clean environment? No, of course not. These two important goals work together. Economic growth is the means of environmental responsibility. Earlier on the Senate floor, Senator DOMENICI declared that the Energy bill ought to be called the “Clean Energy Act” due to the many incentives and requirements it contains for clean sources of energy—wind, solar, geothermal, nuclear, clean coal technologies, hydrogen, ethanol, and biodiesel—and the many requirements for improved energy efficiency which will reduce energy use and, therefore, emissions.

Numerous of my colleagues have delineated the efficiency measures, energy savings and incentives in the bill before us and how this package will shift emissions through reducing the need to burn fossil fuels and thus reducing emissions. Nuclear power, IGCC, renewables, and the encouragement of transmission investment to increase customer access to cheaper, more efficient sources of electricity, will reduce emissions by using less fuel to make electricity.

In addition, increased production of ethanol and biodiesel fuels and the incentives for hybrid cars will substantially reduce greenhouse gas emissions. Senator DOMENICI included in the RECORD a detailed statement of all of the provisions in the Energy bill that are aimed at new technologies that will
have no global warming emissions, and I won’t repeat that list here.

Nevertheless, let me offer a few important statistics on the impact of the current energy bill: Passage of the bipartisan energy bill will save nearly 2 million jobs over the next decade, according to a study released today by the national association of manufacturers, the manufacturing institute and the american council for capital formation.

The bill will reduce U.S. energy use by about 2.4 percent in 2020 compared to baseline forecasts by the U.S. energy information administration. The bill will also reduce natural gas use in 2020 by about 1.1 trillion cubic feet, equivalent to current annual consumption by New York State. And the bill will reduce peak electric demand in 2020 by about 50,000 MW, equivalent to the capacity of 170 powerplants, 300 MW each.

The energy efficiency standards in the bill will save so much energy in the coming years that by 2010, the electricity savings will total 12 GWh and will reduce peak electric demand by the output of 12 new 300-MW powerplants. Energy savings will total 66 GWh and reduce peak demand by the output of 75 new 300-MW plants. By 2030, the savings will equal 96 GWh and reduce peak demand by the output of 108 new 300-MW plants.

The ethanol mandate in the Senate energy bill will displace as much as 2 billion barrels of imported crude oil, lower the U.S. trade deficit by $67 billion, create $51 billion in new farm income and cut government farm payments by an estimated $5.9 billion—all by 2012.

Using 100 percent biodiesel reduces carbon dioxide emissions by more than 75 percent over petroleum diesel, while using a 20 percent biodiesel blend reduces carbon dioxide emissions by 15 percent.

In 2003, U.S. nuclear powerplants avoided the emission of 679 million metric tons of carbon dioxide, from the fossil fuels that would have been burned to generate power in the absence of nuclear energy. Annual carbon dioxide emissions from the U.S. electric sector are approximately 2,215 million metric tons. Without nuclear energy, U.S. electric sector carbon emissions would have been approximately 30 percent higher.

As we conserve energy and promote new clean sources of energy production, we burn less fossil fuel, thereby reducing emissions in the most economically sound manner. Even Senator MCCAIN recognizes the need to promote clean sources of energy, namely nuclear energy and clean coal. He said:

The fact is, nuclear is clean, producing zero carbon dioxide, the burning of fossil fuels to generate electricity produces approximately 33 percent of the greenhouse gases accumulating in the atmosphere, and is a major contributor to air pollution affecting our communities.

His proposal includes money and loan guarantees for new nuclear reactors, new ultra-clean coal power plants, plants to create ethanol from sources other than corn, and large-scale solar power sites. These projects are consistent with many of the incentives that are already included in the Energy bills.

This is important since, if nuclear energy is to continue providing 20 percent of the U.S.’s electrical supply, 50 new 1,000 megawatt power plants will have to be constructed by 2030. The Hagelv excise tax amendment that we accepted on Tuesday provides additional incentives to develop workable technology to control emissions without exporting jobs and stifling our economy. I voted for this because it allows us to find the right technology and to further explore whether we really have a problem to solve. We are not even sure that a warmer earth is a bad thing.

I have spent significant time studying this issue. As chairman of the small business committee in the house of representatives, I held extensive hearings on the Kyoto Protocol, which the current amendment is modeled after. I wanted to question both sides in depth on the scientific and economic sides of the issue. I reached the conclusion that the science of global warming is much less precise than either side would like to suggest. There is some evidence of ozone depletion but the evidence of resulting global warming is much more dubious. We are just not sure whether and to what extent the Earth is warming; it is not easy to take the Earth’s temperature at any given time, and of course it is even more difficult to determine whether the Earth is warmer relative to past ages. Nothing that has been presented in the current debate has changed my mind.

Even the National Academy of Sciences and their brethren organizations can say that “likely” that most of the warming in recent decades can be attributed to human activities. “Likely” is not good enough to risk our jobs and our economy, especially since many other notable scientists aren’t even that sure. Remember, it wasn’t all that long ago when the scientists were telling us that an ice age was coming.

My colleagues have already discussed how the Kyoto Protocol is not really binding. The 33 industrialized countries participating in Kyoto have been unable to meet their targets and some, in fact, are seeking to find a way out of it due to its devastating economic impact and minimal environmental benefits.

As you all know, the Kyoto Protocol would require industrialized nations to limit their greenhouse gas emissions to varying percentages below 1990 levels. However, all but 40 of the 192 countries in the world are exempted from Kyoto. This creates a two-tiered environmental obligation, forcing the entire burden of reducing greenhouse emissions on industrialized nations and turning the developing world into a pollution “enterprise zone.” This will not succeed in reversing “global warming” or eliminating greenhouse gases; it would simply change their point of production and push millions of jobs overseas.

America has been down this path before. In the 1987 Montreal Protocol on the production of ozone depleting chlorofluorocarbons, CFCs, the U.S. agreed to a framework eliminating the production of CFCs for industrialized nations only. Following the 1987 Protocol, the U.S. virtually eliminated production of CFCs in 10 years, but the developing world nearly doubled its production. The environmental consequences of the Kyoto treaty would be even worse. It is estimated that if the U.S. not only stabilizes emissions but also reduces greenhouse gas emissions by 50 percent and every other industrial country also reduces greenhouse gas emissions by 50 percent, yet developing nations continue on their current path, then worldwide greenhouse gas emissions will increase by 250 percent before 2030. The factories other countries would build would not be subject to any of our environmental laws and would be built here today.

I want to repeat that I have spent scores of hours studying this issue, and the conclusion is inescapable that, even if global warming is a problem, the Kyoto Protocol would have been a disaster for America, causing millions of people to lose their jobs. I cannot understand, therefore, why so many environmental groups keep pushing measures like it. We should all be able to agree that economic growth, while it poses real challenges for the environment, is necessary for the environment’s health as well. Poor countries don’t have strong environmental policies. So it is in everyone’s interests to focus on real environmental concerns—and there are certainly enough of those. We must focus on our national community and wasting time and effort on proposals that make no sense from any point of view.

A new bureaucratic program that creates economic incentives to solve a problem that may not exist is not a good addition to our pro-growth, pro-jobs, pro-environment Energy bill. I urge my colleagues to vote against this amendment.

Mrs. BOXER. Mr. President, our Nation is faced with the threat of global climate change that could fundamentally alter all of our lives and the lives of our children. California has a great deal to lose if we do not take steps to halt and reverse climate change. My State’s treasured biodiversity ranging from our cool and wet university ranging from our cool and wetter regions, to the hot Mojave and Colorado deserts in the southeast, to the vast and fertile agricultural stretches in the central valley. Climate change is a very real threat to those natural ecosystems.

Scientific predictions indicate that human-induced global warming may
produce a 3- to 10-degrees rise in temperature over the next 97 years. That may not initially sound dramatic. But it would be enough to change the timing and amount of precipitation in my State. This could, for instance, lead to decreased summer stream flows, which would already significantly increase the controversy over the allocation of water for urban, agricultural and environmental needs.

Scientists also predict that by the year 2030, {\textit{all}} states will be experiencing average temperatures every month of the year in every part of the State. The average temperature in June in the Sierra Nevada Mountains could increase by 11 degrees Fahrenheit. The snow pack in the Sierra, which is a vital source of water in the State, is expected to drop by 13 feet and to have melted entirely nearly 2 months earlier than it does now. This could reduce the amount of precious water on which we now rely for agriculture, drinking water and other uses.

The solution to the climate change problem is to first reduce greenhouse gas emissions. In this regard, the McCain-Lieberman amendment would be a meaningful step in the right direction. It would create a cap-and-trade system to reduce emissions. In 2010, the system would cap greenhouse gas emissions at the level that was released in the year 2000. It would then allow facilities to buy or sell credits that would reduce greenhouse gas emissions but within the overall cap. This could efficiently reduce overall levels of emissions while allowing flexibility for certain industries.

The second step in solving the climate change problem is to increase the use of renewable resources, such as wind and solar. Unfortunately, this is where the McCain-Lieberman amendment doesn’t just fall short, but would be a step backwards. The amendment includes a new provision to provide additional Federal assistance to so-called “clean” technologies. On its face, it sounds good. But, the amendment makes nuclear power eligible for these subsidies.

Here we go again. The nuclear industry is once again knocking on Uncle Sam’s door asking for Federal subsidies to pad their bottom line. We should oppose the nuclear industry’s latest effort to raid the public purse. Nuclear power is not the solution to climate change. The “clean” or nuclear industry has not solved its waste and safety problems. By subsidizing the creation of new nuclear plants, we are condoning the creation of more waste and turning a blind eye to the hazards associated with nuclear power.

Proponents of these subsidies say that they are not limited to nuclear power, and that many types of zero or low-emission technologies could benefit. However, the amendment creates an unfair playing field for this assistance. By stepping the costs of nuclear power’s waste and safety problems. A candid analysis of energy choices must consider the full lifecycle costs associated with each technology. This amendment fails to contain such an analysis. Thus, the amendment unfairly and irresponsibly ignores nuclear power’s biggest problem—the waste. This could easily tip the scales in favor of more subsidies for truly renewable technologies. This kind of legislation immediately constrains the competitive playing field for nuclear power.

The nuclear industry has already benefited from $145 billion in Federal subsidies over the last 50 years. Truly clean and renewable sources of energy, such as wind and solar, have received just $5 billion. Furthermore, these new subsidies could go to some of the world’s biggest companies. The Top-10 nuclear energy producing corporations in the Nation are among the largest companies in the world. These companies include Duke Energy, Exelon and Dominion Resources, which are among the 200 largest companies in the world.

Do these large companies need Federal subsidies? These corporations earned more than $10 billion in profits in 2004 selling energy from a variety of sources.

Subsidies for new nuclear plants are not a sound investment. The Federal Energy Information Administration stated that between 2003 and 2025, the nuclear industry will go to some of the world’s biggest companies. These companies include Duke Energy, Exelon and Dominion Resources, which are among the 200 largest companies in the world.

New nuclear power plants are not a viable technology without new subsidies. The EIA has stated that between 2003 and 2025, “new nuclear power plants are not expected to be economical.” Thomas Capgs, the Chief Executive Officer of Dominion Resources—which has more than $55 billion in assets—was asked about the economics of constructing new nuclear plants. He said, “I am all for nuclear power—as long as Dominion doesn’t have to take the risk...” Instead of the nuclear industry taking the risk, the nuclear industry wants the public to shoulder the burden.

New financial nuclear plants are unnecessary. The Department of Energy has shown that we can drastically reduce our Nation’s climate change pollution without increasing the number of nuclear plants. We can and should solve the problem of climate change without increasing the problems of nuclear waste and safety.

I wish that I could support the McCain-Lieberman amendment, as I did 2 years ago. But by making the nuclear industry eligible for more subsidies, I believe that I cannot vote for this year’s version.

Mr. JEFFORDS. Mr. President, I have decided to support the McCain-Lieberman amendment to H.R. 6 as an important step forward on combating global warming. However, I do go with significant reservations about the new language in this amendment providing additional Federal subsidies to the nuclear power industry.

I am especially concerned about the potential impact of the loan guarantees provided, backed by the full faith and credit of the United States, and the possibility that any new nuclear facilities constructed could default on those loans. If, for any reason, the stream of revenue from auctioned credits is insufficient to cover the maintenance or clean-up costs of any facilities that default on such loans, then those costs and liabilities might end up being passed on to Federal taxpayers. We all know about the hundreds of billions of dollars that taxpayers face because of the problems in the Department of Energy and Defense nuclear weapons complex. That type of exposure is simply too high a price to pay.

This language was not in S.342, the Climate Stewardship Act, which I co-sponsored and support, and I advised the sponsors of the amendment not to include it in this amendment. But, unfortunately, it is here in front of the Senate and the only options are yes or no. Senators know that there is already very substantial Federal involvement in support of nuclear power, from the Price-Anderson insurance program to the civilian waste repository program. It makes very little sense to me to pile further Federal dollars on top of an already rich web of support. This is particularly true since the Finance title of this legislation provides additional subsidies for new nuclear power generation.

There is at least one other reason that nuclear power does not need additional support. There is no other source of electricity that will obtain a greater advantage in a carbon constrained world than nuclear power. This kind of legislation immediately levels the competitive playing field for nuclear power and investments as compared to conventional electricity generation that is more carbon intensive.

The fastest, quickest and most economically efficient way to encourage development of an abundant and truly carbon-free zero-emission generation is to tax or cap greenhouse gas emissions. The Federal Government should be a strong partner in supporting such research and investment and directing it toward the goal of the United Nations Framework Convention on Climate Change. That goal is stabilization of atmospheric concentrations of manmade greenhouse gases at levels that will prevent dangerous interference with the global climate system.

Without such an organizing goal, our Nation’s climate research plan and energy subsidies and programs are simply a loose affiliation of ineffective and misdirected efforts. Unfortunately, that is the administration’s preference. They prefer not to tackle this gravely important issue with a constructive and assertive international role or with a responsible domestic focus that will reduce greenhouse gases now or anytime within the time window necessary.

I applaud the Senators from Arizona and Connecticut for continuing their efforts to set and reach this goal. I encourage them to remember my comments about nuclear subsidies if and
Mr. LEVIN. Mr. President, I believe climate change is occurring; I believe we are currently facing a threat to the planet; and I believe it is long past time for action. Nevertheless, I can’t support the McCain-Lieberman amendment since its effect would be the loss of more American manufacturing jobs to countries that have few, if any, environmental standards. That won’t help the environment and it will hurt our economy. Climate change is not something we can tackle by shifting industrial commitments to other countries, or by shifting manufacturing jobs to China or other countries that have no limits on emissions of greenhouse gases. The bill before us reflects a unilateral approach to a problem that can only be solved globally.

Climate change cannot be addressed unilaterally. It must be addressed multilaterally. It doesn’t help the global environment to push down greenhouse gas emissions if only we have them pop up in others. We need an international agreement that binds all countries. Otherwise, there is an incentive to move more and more jobs to countries with lower environmental standards. To add more incentives for companies to move overseas would just be another economic blow to jobs in America.

We need to return to the negotiating table and become a party to an effective international treaty to address the threat of global warming. In my view, the Kyoto Treaty is insufficient because it does not impose requirements on the developing economies of India and China as it does on the United States and others. Those requirements need not be the same size or implemented in the same time frame, but they need to be a part of a global treaty’s obligations. China and India are growing so fast that leaving them uncommitted to action and financial contributions would be a travesty for the environment and an economic competitive windfall for those countries. And it would be further insult and injury to our workers, many of whose jobs have already gone overseas.

Another problem with Kyoto is that the specified caps are based on 1990 levels, and because of the subsequent economic downturn in Russia and other countries, they can easily meet their targeted reductions and profit from the resulting emissions credits.

Instead, we need an international agreement in which all countries take steps to reduce global warming so that there is no incentive to move jobs and emissions from a country with high environmental standards to one with low environmental standards. The basis of the amendment is adding negotiating countries to adopt tough environmental standards and for all participants to refuse to purchase products from countries that won’t adopt those standards.

I am confident that it is possible to craft an international treaty that controls global emissions in a way that is fair to developed and developing countries. One example of that was the Montreal Protocol that bans the use and manufacture of ozone-depleting compounds. This treaty also had the side benefits of eliminating a whole class of greenhouse gases and created new market opportunities for U.S. technology developers.

Engaging with other countries and coming to the table as a partner in an effective international treaty is essential to a global solution. To achieve a global agreement will require our putting maximum pressure on all countries to join it, so that emissions of greenhouse gases can be reduced, not just shifted. Shifting manufacturing jobs and the production of greenhouse gases from here to other countries is not a solution to climate change—it would just be another economic blow to jobs in America.

Some firms that have deployed energy saving technologies and processes well in advance of the reference date may be discriminated against by this cap and trade proposal. For example, while this bill does have a provision for early banking of allowances, firms that implemented energy savings in the past 15 years may not have records of greenhouse gas emissions to allow credit for the action. Firms that invested in energy saving measures prior to 1990 could also be unfairly disadvantaged because they would not be able to claim the savings in greenhouse gas emissions and further measures are likely to be more difficult than for firms that had delayed action. Legislation and treaties limiting greenhouse gas emissions should reward, rather than punish, this foresight.

We have already lost enough American jobs to countries with cheap labor, no safety standards, and no environmental standards. To add more incentives for companies to move overseas to countries with no limits on greenhouse gases, as this bill would promote, is not sound policy. Global climate change is just that: global and it needs to be dealt with globally, not unilaterally.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, how many more minutes do I have?

The PRESIDING OFFICER. The Senator has 17 minutes.

Mr. MCCAIN. And the other side?
The PRESIDING OFFICER. The time of the other side has expired. 

Mr. MCCAIN. Mr. President, I thank Senator INHOFE for working together as we try to give both sides equal time. I yield myself 9 minutes. Senator LIEBERMAN will take the remaining time.

Mr. President, the amendment incorporates the provisions of S. 342, the Climate Stewardship Act of 2005, in its entirety, along with a new comprehensive title regarding the development and deployment of climate change reduction technologies. This new title, when combined with the “cap and trade” provisions of the previously introduced Climate Stewardship Act, will promote the commercialization of technologies that can significantly reduce greenhouse gas emissions, mitigate the impacts of climate change, and increase the Nation’s energy independence. And, it will help to keep America at the cutting edge of innovation where the jobs and trade opportunities of the new economy are to be found.

In fact, the “cap and trade” provisions and the new technology title are complementary parts of a comprehensive approach which will allow us usher in a new energy era, an era of responsible and innovative energy production and use that will yield enormous environmental, economic, and diplomatic benefits. The cap and trade provision provides the economic driver for existing and new technologies capable of supplying reliable and clean energy and making the best use of America’s available energy resources. Our comprehensive proposal offers multiple benefits for our environment and our economy. We simply need the political will to match the public’s concern about climate change, the economic interests of business and consumers, and American technological ingenuity and expertise.

Our comprehensive amendment sets forth a sound course toward a productive, secure, and clean energy future. Its provisions are based on the important efforts undertaken by academia, government, and business over the past decade to determine the best ways and means towards this energy future. Most of these studies have shared two common findings. First, significant reductions in greenhouse gases—well beyond the modest goals of our amendment—have proven possible over the next 100 years using technologies available today. Second, the most important technological deployment opportunities to reduce emissions over the next two decades lie with energy efficient technologies and renewable energy sources, including solar, wind, and biofuels. For example, in the electric power sector, which accounts for one-third of U.S. emissions, major pollution reductions can be achieved by improving the efficiency of existing fossil fuel plants and the deployment of new power plants designed for nuclear power, expanding use of renewable power sources, and significantly reducing electricity demand with the use of energy-saving technologies currently available to residential and commercial consumers. These clean technologies need to be promoted and that is what our legislation is about.

Before describing the details of this amendment, I think it is important to talk about what has occurred since the Senate vote on this issue in October 2003. I could go on and on about the impacts of climate change and the associated science, yet there is still an ongoing debate in this town about whether or not climate change is real. If you still have doubts, I’d refer you to the powerful joint statement issued just two weeks ago by the U.S. National Academy of Sciences and national academies from other G8 countries, along with those of Brazil, China, and India. Here are just a few quotes from the joint statement:

There will always be uncertainty in understanding a system as complex as the world’s climate. However, there is now strong evidence that significant global warming is occurring.

The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations continue to improve their efforts so that they can take now, to contribute to substantial and long-term reduction in net global greenhouse gas emissions. We urge all nations . . . to take prompt action to reduce the causes of climate change, adapt to its impact and ensure that the issue is included in relevant national and international strategies.

These statements are powerful and compelling, and I would hope they would help to spur meaningful action in our country to address this grave problem.

The academies’ statements are despite attempts by some public officials to “muddy” the science of global warming. In the June 8 New York Times, there was a very disturbing article that the scientific reports on climate change have been “edited” by an official in the White House’s Council on Environmental Quality. The article makes major implications for the future of not only climate change science, but also the future of science in general. The U.S. has always touted its superiority in science and technology. Reports such as these attack the credibility of the Nation’s science and technology infrastructure at a time when many within government, the scientific community, and America are trying to lose our competitive edge.

The article mentions that the changes to the documents can cause a clear shift in the meaning of the documents—a shift in science. This is outrageous and unacceptable behavior and the consequences of such actions could be severe. Historically, we have been able to exempt science as a political tool. But it now sounds like some have taken it upon themselves to turn climate change science into political science. That is unacceptable.

Perhaps this is why Prime Minister Blair has conceded that he has no chance persuading the President to change his position on climate change. I guess this is understandable now that we have learned that the two are operating under a different set of facts. I also note a recent article in the Washington Post concerning the administration’s efforts to weaken key aspects of a proposal for joint action on climate change by the G8 nations. We should all be able to agree that climate change policy should be based upon sound science. I hope that whatever policy comes from the White House it would reflect the urgency and the magnitude of the problem as indicated in the joint statement of the academies of science from the G8 countries, China, India and Brazil.

The fact is, the unaltered scientific evidence of human-induced climate change has grown even more abundant.

Since February of this year, when I highlighted the results of the Arctic Climate Impact Assessment, even more striking evidence of the Arctic region has been revealed. In a recent Congressional briefing, Dr. Robert Corell, Chair of Arctic Climate Impact Assessment, presented data indicating that climate change in the Arctic is occurring more rapidly than previously thought. Annual average arctic temperatures have increased at twice the rate of global temperatures over the past several decades, with some regions increasing by five to ten times the global average.

The latest observations show Alaska’s 2004 June-July-August mean temperature to be nearly 5 degrees Fahrenheit above the 1971-2000 historic mean, and permafrost temperature increasing enough to cause it to start melting. Dr. Corell said the Greenland ice sheet is melting more rapidly than thought even 5 years ago, and that the climate models indicate that warming over Greenland is likely to be up to three times the global average, with world temperatures projected to increase by 5 to 11 degrees Fahrenheit, which will most certainly lead to sea-level rise.

These are remarkable new scientific findings.

It isn’t surprising that just last month, indigenous leaders from Arctic regions called on the European Union to do more to fight global warming and to consider giving aid to their peoples, saying their way of life is at risk. Global warming is said to be causing the arctic permafrost to melt, causing animals to die of hunger because they cannot reach the grass underneath. "We are not asking for sympathy," said Larsia AbruRutina of the Russian Association of Indigenous Peoples of the North. "We are asking each country in the world to examine if it is truly doing its part to slow climate change.”

The efforts taking place globally to address climate change have gained even greater prominence. For example,
British Prime Minister Tony Blair has made climate change one of his top two issues during his Presidency of the G8. Mr. Blair’s commitment to addressing climate change should be commended. He has chosen to take action and not to hide behind the uncertainties that the scientific community will not resolve. The Prime Minister made it clear in a January speech at World Economic Forum in Davos as to his intentions when he said, “...if America wants the rest of the world to be a part of the agenda it has set, it must be a part of their agenda too.”

The top two issues that Prime Minister Blair has chosen to deal with are climate change and poverty in Africa. It is interesting to note that another article in the New York Times highlighted recently the connection between the two issues. The article describes how a 50 year long drying trend is likely to continue and appears to be tightly linked to substantial warming of the Earth. According to Dr. James Hurrell, a scientist at the National Center for Atmospheric Research, “...the Indian Ocean shows very clear and dramatic warming into the future, which means more and more southern Africa, climate consistent with what we would expect from an increase in greenhouse gases.”

It appears that Mr. Blair’s two priorities are quickly becoming one enormous challenge.

Mr. Blair enjoys strong support for efforts from industry. Recently, business leaders from 13 UK and international companies sent a letter to the Prime Minister stating there is a need for urgent action to be taken now to avoid the worst impacts of climate change, and to offer to work in partnership with the government toward strengthening domestic and international progress on reducing greenhouse gas emissions.

Further, the heads of 23 global companies released a statement on June 9th, expressing strong support for action to mitigate climate change and the importance of market-based solutions. The statement was prepared by the G8 Climate Change Roundtable, which is comprised of companies headquartered in 10 nations throughout the world, including companies from a broad cross-section of industry sectors.

The statement was in response to an invitation from the Prime Minister to provide business perspectives on climate change in advance of the G8 Summit that will take place in Gleneagles, Scotland, in early July.

The Roundtable’s statement says “We recognize that we have a responsibility to act on climate change.” It further acknowledges there is “a need for further, significant efforts to reduce greenhouse gas emissions” ... “because of the cumulative nature and long residence time of greenhouse gases and the ultimate action must be taken now.” It also calls upon governments to establish “clear, transparent, and consistent price signals” through the creation of a long-term policy framework that includes all major emitters of greenhouse gases.

The statement highlights the need for technology incentive programs to accelerate commercialization of low carbon technologies. Finally, the statement highlights the necessity between the G8 countries and China, India, Brazil, South Africa, and Mexico to facilitate private investment in low carbon infrastructure.

In addition to the international industry support, Mr. Blair is a strong supporter of policies that are necessary for urgent action to be taken now to reduce greenhouse gas emissions. The Prime Minister stated there is a need for new policies that foster technological innovation to address global warming. These new directives include: Developing and implementing new standards for carbon capture and storage that make use of geological carbon sequestration; and biofuels.

The amendment directs the Secretary of Commerce, through the International Technology Administration, which would be renamed the Innovation Administration, to develop and implement new policies that foster technological innovation to address global warming. These new directives include: Developing and implementing new standards for carbon capture and storage that make use of geological carbon sequestration; and biofuels.

It also authorizes the Secretary of Energy to establish public/private partnerships to promote the commercialization of climate change technologies by working with industry to advance the design and demonstration of zero and low emission technologies in the transportation and electric generation sectors. Specifically, the Secretary would be authorized to partner with industry to share the costs (50/50) of “first-of-a-kind” designs for advanced coal, nuclear energy, solar, and biofuels. Moreover, each time that a utility builds a plant based on the “first-of-a-kind” engineering design authorized by this amendment, a “royalty” type payment will be paid by the utility to reimburse the original amount provided by the government.

After the detail design phase is complete, the Secretary would be able to provide loans or loan guarantees (up to 80 percent) for the construction of these new designs, including: Three nuclear plant designs certified by the NRC that would produce zero greenhouse gas emissions; three advanced coal gasification plants with carbon capture and storage that make use of our abundant coal resources while storing carbon underground; three large scale solar energy plants to begin to tap the enormous potential of this completely clean energy source;
and three large-scale facilities to produce the clean, efficient, and plentiful biofuel of the future—cellulosic ethanol.

The loan program will be administered by a Climate Technology Financing Board, membership of which will include the Secretary of Energy, a representative from the Climate Change Credit Corporation, as would be created in the amendment, and others with pertinent expertise. Once each plant is operational, the private partner will be obligated to pay back these loans from the government, as is the case with any construction loan.

I think it is important to be very clear about the ambitions, but necessary, technology title. We intend that much, if not all, of the costs of the demonstration initiatives, along with the loan program, will be financed by the early sale of emission allowances through the Climate Change Credit Corporation under the cap and trade program. While we would prefer to allow for the Corporation to expend these funds directly, our budgetary process doesn’t readily lend itself to allowing spending on a popular proposition these days. Therefore, the amendment authorizes the revenues generated under the program to be appropriated for these key technology programs. However, the industry and the market will actually be footing much of the bill, not the taxpayers. And, as I already mentioned, the amendment requires that any federal money used to build plants will be repaid by the utility when the plant becomes operational.

Finally, the amendment contains a mechanism requiring utilities to pay reimbursement “royalties” as they build plants based on zero and low emission designs created with federal assistance. Again, this approach is more fair and certain than requiring taxpayers to cover the entire costs of these programs. But there will be some costs. That is why it is important to weigh these expenditures against the staggering cost of inaction on global warming. I think we’ll find more than a justified cost-benefit outcome.

In addition to promoting new or underutilized technologies, the amendment also includes a provision to aid in the deployment of available and efficient energy technologies. This would be accomplished through a “reverse auction” provision, which would establish a cost-effective and proven mechanism for federal procurement and incentives. Providers’ “bids” would be evaluated by the Secretary on their ability to reduce, eliminate, or sequester greenhouse gas emissions.

The “reverse auction” program also would be funded initially by the early sale of emission allowances. Eventually, the program would be funded by the proceeds of the annual auction of tradable allowances conducted by the Climate Change Credit Corporation under the cap and trade program. I want to clarify that this amendment does not propose to dictate to industry what is economically prudent for their particular operations. Rather, it provides a basis for the selection and implementation of their own market-based solutions, using a flexible emissions trading system model that has successfully reduced acid rain pollution at an average cost of less than 10 percent of the costs that some had predicted when the legislation was enacted. That successful model can and must be used to address this urgent and growing problem with the global crisis upon us.

The “cap and trade” approach to emission management is a method endorsed by Congress and free-market proponents for over 15 years after it was first applied to sulfur dioxide pollution. Applying the same model to carbon dioxide and other greenhouse gases is a matter of good policy and simple, common sense. It is an approach endorsed by industry leaders such as Jeffrey Immelt, CEO of General Electric, one of the largest companies in the U.S.

Moreover using the proven market principles that underlie cap and trade will harness American ingenuity and innovation and do more to spur the innovation and commercialization of advanced environmental technologies than any system of previous energy-bill style subsidies that Congress can devise.

Three decades of asserted energy bills prove that while subsidies to promote alternative energy technologies may sometimes help, alone they are not transformational. In the 1970’s, Americans were waiting in line for limited supplies of high-priced gasoline. We created a Department of Energy to help us find a better way. Yet today, 30 years later, we remain wedded to fossil fuels, economically beholden to the Middle East and we continue to alter the makeup of the upper atmosphere with the volume of greenhouse gas emissions. Our dividend is continued energy dependence and global warming that places our nation and the globe at enormous environmental and economic risk. Not a very good deal.

Cap and trade is the transformational mechanism for reducing carbon dioxide emissions, protecting the global environment, diversifying the nation’s energy mix, advancing our economy, and spurring the development and deployment of new and improved technologies that can do the job. It is indispensable to the task before us.

The Climate Stewardship and Innovation Act does not prescribe the exact formula by which allowances will be allocated under a cap and trade system. This should be determined administratively through a process developed with great care to achieve the principles and purposes of the Act. This includes the ability to allocate those who emitting utilities have ample incentives to clean up and can make emission reductions economically and that low emitting utilities are treated justly and recognized for their efficiency. Getting this balance right will not be easy, but it can and must be done.

The fact remains that, if enacted, the bill’s emission cap will not go into effect immediately. In the interim there is much that the country can and should do to promote the most environmentally and economically promising technologies. This includes removing unnecessary barriers to commercialization of new technologies so that new plants, products, and processes can move more efficiently from design and development, to demonstration and, ultimately, to the market place. Again, without cap and trade, these efforts will pale, but the new technology title we propose will work hand in glove with the emission cap and trade system to meet our objectives.

As I already mentioned, the new title contains a host of measures to promote the commercialization of zero and low-emission electric generation technologies, including nuclear, clean coal, solar and other renewable energies, and biofuels.

NATIONAL COMMISSION ON ENERGY POLICY

APPROACH WILL NOT ADDRESS THE PROBLEM

We have come a long, long way in recognizing the reality of this problem. Some former skeptics not only have acknowledged that global warming is real, but agree that we have to do something about it. The challenge now is to make sure that the medicine fits the ailment, rather than to engage in half-measures that might check a political box but do nothing to actually solve the problem. As Washington proves time and again, half-measures are worse than doing nothing because they give Congress a false sense of accomplishment and merely delay the necessary, and often more difficult, actions.

It is my understanding that some members have been preparing an alternative proposal to address climate change—one which would incorporate the recommendations of the National Commission on Energy Policy. The Commission has recommended an approach that seems to be intended to initially slow the projected growth in domestic greenhouse gas emissions, but not to reduce such emissions, as our proposal would provide. And there is some question as to whether which emissions would be allowed to increase in the near term under the Commission’s approach. It also includes what is being termed a “safety valve” mechanism, which is more of an escape valve, which would allow for additional allowances to be purchased to emit additional emissions. “Pay and pollute” is hardly the way to reducing the factors contributing to climate change.

The problem with the Commission’s recommendations is that there is no guarantee that any reductions in the emissions of greenhouse gases would result. It has been demonstrated that
we could meet the Commission’s emission intensity targets while still increasing our actual emissions. The emissions intensity approach is the same as that proposed by the Administration. And, as we well know, that approach is not working nor does it allow for the kind of diplomatic efforts in the international community in jointly addressing this worldwide problem.

Further, the Commission’s safety valve proposal precludes any interface with the international trading market which would restrict the number of market opportunities for achieving low cost reductions. The U.S. simply would be trading with itself, which makes the cost of compliance even higher.

If we look at the science of the Earth’s climate system, it does not react to emission intensity, but rather, to the level of greenhouse gases in the atmosphere. So, if we are truly committed to addressing climate change, we need to act in a manner that actually addresses pollution, rather than not those that may make for good sound bites but are otherwise ineffective.

As we evaluate different climate proposals, the fundamental question that should be asked is: ‘What is the environmental benefit?’

Under the Commission’s plan, the answer could be “none” since, as I mentioned, the safety valve essentially allows industry to buy its way out of the problem. We certainly need results, not those that may make for good sound bites but are otherwise ineffective.

If, however, we alter such a “escape valve”, the powers of innovation and technology development to substantially reduce costs is strangled. Why invest in new technologies when you have the guaranteed option to just “pay”.

Of course, I welcome the growing level of interest and discussion in the Senate on what many have called “the greatest environmental threat of our time. However, the proposal as recommended by the Commission doesn’t go far enough to address that great threat. And it has the potential to generate huge costs to the taxpayers with no environmental benefit.

I want to take some time to address the issue of nuclear power on the docket. Although these provisions are only part of the comprehensive technology package, I’m sure they will be the focus of much attention.

I know that some of our friends in the environmental community maintain strong objections to nuclear energy, even though it supplies nearly 20 percent of the electricity generated in the U.S. and much higher proportions in places such as France, Belgium, Sweden, and some other European countries that aren’t exactly known for their environmental disregard. But the fact is, nuclear is, producing emissions, while the burning of fossil fuels to generate electricity produces approximately 33 percent of the greenhouse gases accumulating in the atmosphere, and is a major contributor to air pollution affecting our communities.

The idea that nuclear power should play no role in our energy mix is an increasingly popular idea, particularly given the urgency and magnitude of the threat posed by global warming which most regard as the greatest environmental threat to the planet.

The International Energy Agency estimates that energy consumption is expected to rise over 65 percent within the next fifteen years. If the demand for electricity is met using traditional coal-fired power plants, not only will we fail to reduce carbon emissions as necessary, the level of carbon in the atmosphere will skyrocket, intensifying the greenhouse effect and the global warming it produces.

As nuclear plants are decommissioned, the percentage of U.S. electricity produced by zero-emission technologies will actually decline. Therefore, at a minimum, we must make efforts to maintain nuclear energy’s level of contribution, so that this capacity is not replaced with higher-emitting alternatives. I, for one, believe it can play an even greater role, not because I have some inordinate love affair with splitting the atom, but for the very simple reason that we must support sustainable, zero-emission alternatives such as nuclear if we are serious about addressing the problem of global warming.

In a recent editorial by Nicholas Kristof of the New York Times, Mr. Kristof made the following observation: “It’s increasingly clear that the biggest environmental threat we face is actually global warming and that leads to a corollary: nuclear energy is green.” He goes on to quote James Lovelock, a British scientist who created the Gaia principle that holds the earth is a self-regulating organism. He quoted Mr. Lovelock as follows:

I am a Green, and I entreat my friends in the movement to drop their unbelievable objection to nuclear energy. Every year that we continue burning carbon makes it worse for our descendents Only one immediately available source does not cause global warming, and that is nuclear energy.

I have always been and will remain a committed supporter of solar and renewable energy. Renewables hold great promise, and, indeed, the technology title contains equally strong incentives in their favor. But today solar and renewables account for only about 3 percent of our energy mix. We have a long way to go to fulfill the objectives of this legislation—help promote these energy technologies.

I want to stress nothing in this title alters, in any way, the responsibilities and authorities of the Nuclear Regulatory Commission. Safety and security of nuclear power plants is paramount in the citing, design, construction and operation of nuclear power plants. And the winnowing effect of the tree market, as it should, will still determine which technologies succeed or fail in the market place. But the idea that a zero-emission technology such as nuclear has little or no place in our energy mix is just as antiquated, out-of-step and counter-productive as our continued dependence on fossil fuels.

Should it prevail, our climate stewardship and clean air goals will be virtually impossible to meet.

The environmental benefit of nuclear energy is exactly why during his tenure here, my friend Morris Udall, one of the greatest environmental champions the United States has ever known, sponsored legislation in the House, as I did in the Senate, to develop a standardized nuclear reactor that would maximize safety, security, and efficiency. The Department of Energy has done much of the work called for by that legislation. Now it’s time for the logical next steps. The new title of this legislation promotes these steps by authorizing federal partnership to develop first of a kind engineering for the latest reactor designs, and then to construct three demonstration plants. Once the demonstration has been made, tree-market competition will flow from there. And the government provides similar partnership mechanisms for the other clean technologies, so we are in no way favoring one technology over another.

No doubt, some people will object to the inclusion of the Nuclear provisions. The nuclear provision playing any role in helping demonstrate and commercialize new and beneficial nuclear designs. I have spent 20 years in this body fighting for the responsible use of taxpayer dollars and against pork-barrel spending and corporate welfare. I will continue to do so.

The fact remains that fossil fuels have been subsidized for many decades at levels that can scarcely be calculated. The enormous economic costs caused by global warming are not factored into the price of power produced by fossil-fueled technologies. Yet it’s a cost that we all bear, too often in terms of ill-health and diminished quality of life. That is simply a matter of fact.

It’s also inescapable that the ability to “externalize” these costs places clean competitors at a great disadvantage. It is time we took into account the enormous environmental and economic risk posed by global warming. I believe that providing zero and low emission technologies such as nuclear a boost into the market place where they can compete, and either sink or swim, is responsible public policy, and a matter of simple public necessity, particularly, as we enact a cap on carbon emissions.

The Navy has operated nuclear powered submarine for more than 50 years and for a long time it has a proud performance record. The Naval Reactors program has demonstrated that nuclear power can be done safely. One of
the underpinning of its safety record is the approach used in its reactor designs, which is to learn and build upon previous designs. Unfortunately for the commercial nuclear industry, they have not had the opportunity to use such an approach since the industry has not been able to build a reactor in over the past 25 years. This lapse in construction has led us to where we are today with the industry’s aging infrastructure. As we have learned from other industries, this in itself represents a powerful incentive to push for a new technology.

I want to close my comments on the nuclear provisions with two thoughts. A recent article in Technology Review seems particularly pertinent to those with reservations about nuclear power. It stated, "The best way for doubters to control a new technology is to embrace it, lest it remain in the hands of the enthusiasts." This is particularly sage advice because, frankly, the facts make it inescapably clear—those who are serious about finding a solution to the problem of global warming are serious about finding a solution. And the rule of nuclear energy which has no emissions has to be given due consideration.

Don’t simply take my word regarding the magnitude of the global warming problem. In 2001, President Bush wanted an assessment of climate change science. He further stated that climate change policy should be based upon sound science. He then turned to the National Academy of Sciences for an analysis of some key issues concerning climate change.

Shortly thereafter, the National Academy of Sciences reported that, “Greenhouse gases are accumulating in the Earth’s atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities.”

As I mentioned earlier, the National Academy along with the national academies of 10 other countries are now calling for not only action, but prompt action for significant reductions in greenhouse gas emissions.

Let’s also consider the warning on NASA’s website which states: “With the possible exception of another world war, a giant asteroid, or an incurable plague, global warming may be the single largest threat to our planet.”

Also consider the words of the EPA that: “Rising global temperatures are expected to raise sea level, and change precipitation and other local climate conditions. Changing regional climate could alter forest, crop yields and water supplies.”

And let’s consider the views of President Bush’s Science Advisor, Dr. John Marburger, who says that, “Global warming means we have to do something about it, and what we have to do about it is to reduce carbon dioxide.” Again, the chief science advisor to the President of the United States says that global warming exists, and what we have to do about it is to reduce carbon dioxide!

The road ahead on climate change is a difficult and challenging one. However, with the appropriate investments, the answer to two problems at once—one of security, and one of development—is that the problem has an energy-based solution. We can and will prevail. Innovation and technology have helped us face many of our national challenges in the past, and can be equally important in this latest global challenge.

Advocates of Kyoto also seem to suggest that we do nothing, or next to nothing, about global warming because we don’t know how bad the problem might become, and many of the worst effects of climate change are expected to occur in the future. This attitude reflects a selfish, live-for-today attitude unworthy of a great nation, and thankfully, not one practiced by preceding generations of Americans who devoted themselves to securing a bright and prosperous tomorrow for future generations, not just for themselves.

When looking back at Earth from space, the astronauts of Apollo II could see features such as the Great Wall of China and forest fires dotting the globe. They would not have missed the small, solitary and fragile earth looked from space. Our small, solitary and fragile planet is the only one we have and the United States of America is privileged to lead in all areas bearing on the advance of mankind. And lead we must, Mr. President. It is our privilege and sacred obligation as Americans.

I thank Senator INHOFE. He and I obviously have fundamental disagreements, and this probably won’t be the last time we discuss our fundamental disagreement.

I ask unanimous consent to print a letter from the chairman of the Environment Committee in the European Parliament.

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

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

June 22, 2005.

HON. PETE V. DOMENICI, Chairman, Senate Energy & Natural Resources Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

HON. JEFF BINGAMAN, Ranking Member, Senate Energy & Natural Resources Committee, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI AND SENATOR BINGAMAN: I have reviewed a document, apparently prepared by the American Petroleum Institute (API), claiming that the United States has reduced its greenhouse gas emissions intensity more than most other European Union countries and more than the EU as a whole. Similar claims were apparently repeated on the floor of the U.S. Senate yesterday, including remarks made by Senator Michael B. Enzi of Wyoming. While we cannot be sure whether the EU will be able to meet its Kyoto target—and a lot of efforts still have to be done within member states to further curb emissions—this claim takes it upon itself to examine the performance of the European Union and its member states compared to the United States. Data from the U.S. Energy Information Administration indicates the following.

From 1980 to 2002, the carbon dioxide “intensity” (i.e., absolute tons of carbon dioxide (CO2) emitted per thousand dollars of gross domestic product (GDP)) of the EU-15 has fallen by 34 percent, from 0.52 to 0.34. From 1980 to 2002, U.S. carbon dioxide emissions per thousand dollars of GDP is still nearly double that of the European Union (0.54), and has only fallen about half as efficient from the point of view of carbon content as that of Europe. To reduce carbon intensity in the U.S. is easier—and costs much less—than what is the case in the EU.

Furthermore, what matters to the atmosphere and to the world in terms of climate change is not “intensity, but total emissions of greenhouse gases. Over the period 1980 to 2002, U.S. total emissions of carbon dioxide increased 29.9 percent from 1980, while total carbon dioxide emissions in Europe rose by only 8.6 percent. If we look at the more recent period, namely developments from 1997 to 2002, U.S. total carbon dioxide emissions from fossil fuel combustion increased from 5543.28 million metric tons (MMT) to 5749.41 MMT—this is by 206.13 MMT; or more than twice the total emission decrease of the EU.

Total carbon dioxide emissions from fossil fuel combustion in Europe rose by only 145.06 million metric tons of carbon dioxide during that same period (from 3377.7 MMT in 1997 to 3452.22 MMT in 2002). And, U.S. total emissions of carbon dioxide are nearly two-thirds higher (66.5 percent) than Europe’s, despite the fact that the EU has about 11 million more people than the United States.

Six months ago, the European Union launched the world’s first-ever regional cap and trade market for cutting greenhouse gas emissions. While in its infancy, that market, together with other programs that the EU has instituted, is beginning to provide powerful incentives for EU companies to boost their economic growth while cutting their greenhouse gas emissions. Parallel to that, a series of policy instruments have been introduced to encourage the use of energy in a more efficient way. As already stated, we do experience problems in several member states when it comes to meeting the Kyoto target. Emission-intensive sectors cause particular concern and we are currently discussing ways and means both to encourage greater use of bio-fuels and to enhance fuel-efficiency for new cars. But in general terms I believe our climate action program has to be considered a model for how to go about emissions reductions in both a responsible and cost-effective way.

From the European Parliament point of view we very much welcome contacts and dialogue with the U.S. Congress. Issues related to climate change. We strongly believe there is a need to improve cooperation between Europe and the U.S. on this issue. We welcome the opportunity to talk with members of the U.S. Congress. I should mention that some of us will participate in a one-day conference in London on July 3rd—organized by Environment Defense—where Members from around the world will come together and discuss climate change. I regretful as it is, as of today we have no US delegation.

Another opportunity for dialogue might be a conference in Washington, DC in September 21—21—the Trans-Atlantic Dialogue on Climate Change, organized by the European Commission. In close cooperation with the European Commission.
I understand that you are currently holding hearings on energy and climate-related subjects. I respectfully request that this letter be made a part of the Record of your deliberations so as to avoid any misconceptions about climate policy in Europe. Looking very much forward to future contacts with you on these important issues.

HON. ANDREAS WIJKMAN, Member of European Parliament.

Mr. MCCAIN. This is a letter to Senator Domenici and Senator Bingaman from the chairman of the Environment Committee of the European Parliament. Basically, it says—astonishingly, I am shocked—I have reviewed a study prepared by the American Petroleum Institute, that unbiassed by-stander on this issue, “claiming that the United States has reduced its greenhouse gas emissions intensity more than most other European Union countries and more than the EU as a whole. Similar claims were apparently repeated on the floor of the U.S. Senate yesterday, including remarks made by Senator Michael B. Enzi . . . While we can not be absolutely sure that the EU will be able to meet its Kyoto target . . . this claim truly misrepresents the performance of the European Union and its member states compared to the United States,” which it does.

It should surprise no one that the American Petroleum Institute would put out less than an objective study.

Yesterday, Senator Voinovich and others referred to analysis by Charles River Associates, which is over our climate change amendment, stating it would result in the loss of 24,000 to 47,000, blah, blah, blah. I think it is important to know that the Charles River Associates study was funded by an outfit called United for Jobs, Americas for Tax Reform, and various other industry-related entities, including petroleum-related organizations. It is based on totally false assumptions, including assuming a 70-year time line. I ask unanimous consent that a rebuttal to the Charles River Associates climate stewardship assumption article be printed in the Record.

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

CHARLES RIVER ASSOCIATES AND CLIMATE STEWARDSHIP: ASSUMPTIONS DO MATTER

In recent months, a group of industry-funded nonprofits, United for Jobs 2004, has commissioned an economic analysis of the Climate Stewardship Act that was performed by Boston consulting group Charles River Associates (CRA).

Any economic model is, in essence, a machine; it receives an input, processes it, and produces a conclusion based on the input. In any economic model, the modeling assumptions are the key input—by defining the model what sort of economic conditions to model, they set the terms of economic analysis and determine to a very large extent the conclusions produced by the model. The chart below examines the assumptions that underpin the economic analysis commissioned by the United for Jobs campaign.

What is the assumption? Why is this important?

A 70-year time line. The study looks in today’s market conditions to an economic analysis that spans 70 years.

In fact, economists rarely attempt to forecast economic impacts beyond a 10-20 year horizon because the national economy is such a complex system. Attempting to assume a 70-year cost horizon to the Climate Stewardship Act today is just as futile an effort as it would have been to assume a 10-year cost horizon to a telecommunications policy in 1994. Instead, CRA used a Charles River Associates method, those Depression-era regulators would have calculated policy cost on the basis of primitive 1930s telephone technology over a time line that would ultimately see the invention of computers, mobile phones, the internet, fax technology, and even wireless access. Tomorrow’s technologies aren’t incorporated into the model because they don’t yet exist and thus can’t have a cost assigned to them. For example, the model incorporates a cutting-edge clean-coal technology available today, but assumes that it will continue to exist until 2030. Imagine the $830 billion of carbon.

Past experience with market-based policies gives no reason to assume irrational business behavior. Following the 1990 Clean Air Act Acid Rain program, more than 200 of U.S. annual availability of gas is a function of production capacity, not the availability of the fuel itself. Presently, natural gas markets are responding to increased demand by increasing supply, both domestic and imported.

As numerous studies have shown—and common sense dictates—international emissions trading drives down the cost of emissions reductions dramatically by allowing companies to take advantage of cost-effective opportunities to reduce emissions, wherever in the world they may be found. It is inconceivable that American businesses will forever bear these cost-reducing opportunities. At this moment, both Congress and the Administration are deeply engaged in an effort to update—and increase—the limits on domestic air pollutants. These new policy changes are not assumed in this analysis, nor are any policy updates during the next 70 years.

The year 2004 saw a massive increase in the attention to and development of renewable energy. With the ratification of the Kyoto Protocol, Europe and the industrialized world are placing a premium on renewables, and the demand for these technologies is expected to grow dramatically in the future.

State and federal policymakers are, in fact, continuing to update energy efficiency requirements. The state of Maine, for example, is at work on a bill to join other northern states in adopting California’s newest energy-efficiency requirements for a host of consumer products. These recent federal requirements, which were also updated in recent years.

States from Maine and Connecticut to Oregon and Idaho have enacted state-level policies and incentives to reduce greenhouse gases. CRA’s model assumes that none of these policies reduces emissions, even though the northeast states in particular are actively developing a multi-state emissions trading program to reduce greenhouse gases.

The “high cost” projection assumes that greenhouse gas emissions be 80 percent below 1990 levels in the year 2050. This is a level never contemplated in any bill introduced in Congress, and wildly off the mark with respect to the Climate Stewardship Act. The Climate Stewardship Act caps emissions at year 2000 levels. Numerous studies have shown that allowing reductions in so-called “non-CO2 gases” reduces overall costs of greenhouse gas reductions dramatically. The Climate Stewardship Act allows use of these low-cost reductions.

Mr. MCCAIN. The analysis is clearly flawed, and we all know that it is flawed. Of course, this is what we always hear whenever there is a proposal that would improve our environment and our lives and others. It is the apocalypse now. I would like for my colleagues to take note from this well-known sensationalist rag on the supermarket shelves, the National Geographic, which published probably one of the most comprehensive and in-depth pieces ever done called “Global Warming: Bulletins From a Warmer World.” The National Geographic, as they usually do, does an incredibly in-depth job to describe what is already happening and what will be happening in the future.

It reads, in part:

The climate is changing at an unnerving pace. Glaciers are retreating. Ice shelves are fracturing. Sea level is rising. Permafrost is melting. What role will humans play?

I hope my colleagues, when they have a chance, will read this.

I would like Members to look at this picture. This is Powell. It was down to its lowest level since it was built. We did get some rain this winter, and there has been some change. A heat-damaged reef in the Indian Ocean offers poor habitat for passing fish. In fact, as I mentioned, the Great Barrier Reef is predicted to be dying. This once was a lake, Lake Chad in Africa. The pictures go on and on. But perhaps one of the most important, of course, is the Arctic icecap. We know that the Arctic and the Antarctic are the most sensitive first, and to the climate warming. This clearly shows in 2003 the polar icecap. And it shows in 2003 the rather dramatic reductions. Also things are happening in Greenland which are significant and alarming.

These are the CO2 records from 2004. The debate about the hockey stick is becoming one that is irrelevant because, unfortunately, we are seeing this dramatic increase.

I would like to return for a minute to the joint science academies’ statement, “Global Response to Climate Change”:

There will always be uncertainty in understanding a system as complex as the world’s climate. However, there is now strong evidence that significant global warming is occurring.

Mr. President, the Senator from Idaho mentioned that scientists from India and the Chinese also signed onto this, as if they were complicit. The fact of the matter is, both scientists are from China and India; they are as alarmed about this as anyone else should be.
Two weeks ago, the National Academy of Sciences, the national academies from the G8 countries—this was not 9 years ago but 2 weeks ago—said: “The scientific understanding of climate change is now sufficiently clear to justify national action. It is clear that all nations identify cost-effective steps that they can take now to contribute to substantial and long-term reduction in net global greenhouse gas emissions.”

That is why I appreciate the amendment of the Senator from Nebraska, which recognizes there is a problem. But we have to take prompt action now.

Mr. President, I have a fact sheet on myth versus fact that responds to some of the statements made on the floor. I ask unanimous consent that it be printed in the RECORD.

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

**Myth:** Most EU–15 countries are way above emissions targets.

**Fact:** The European Environmental Agency (EEA) reported that the EU is on schedule to meet its Kyoto targets. This report analyzed existing and planned policies, including the Kyoto emissions trading scheme.

When only previously implemented policies were evaluated, the EEA calculated that the EU would not reach its Kyoto targets—reaching 1%, rather than 8%, below 1990 levels. Planned policies such as domestic EU policies (accounting for more than 7% reductions alone) and international emission reductions (which will not happen, and are not yet being allocated), however, will enable the EU to exceed its 8% goal.

**Myth:** The U.S. beats the EU in reducing GHG emissions.

**Fact:** While the U.S. emissions intensity decreased by 17.4 percent in the 1990s, U.S. global warming pollution grew by 14. At the same time, the EU decreased their global warming pollution by 4 percent. Greenhouse Gas intensity does not measure the quantity of global warming pollution reduced. GHG intensity decreases when the emissions from one unit of energy produced, and per dollar of investment, than the fossil fuel-based energy market and allowing emissions of coal and natural gas continued. The Bush global warming policy will help U.S. companies to regain technological dominance, fail to implement responsible energy policies, and still rise.

**Myth:** U.S. CO₂ emissions don’t come from industry.

**Fact:** Forty percent of energy-related CO₂ comes from power plants. As a sector, industry accounts for 28.8 percent (1,666.2 million metric tons of CO₂ from total U.S. energy-related CO₂ emissions in 2003, reported the DOE’s Energy Information Administration. In the same year, energy related carbon dioxide emissions did not change for the industrial sector because industrial output only grew by 0.2 percent in the year. While the largest industrial CO₂ emissions is not from industry, the sector nonetheless is responsible for a significant portion of U.S. CO₂ emissions.

**Myth:** Future global GHG emissions will come from developing countries.

**Fact:** The United States is currently responsible for 25% of global warming pollution, compared to 1.25% of the global population resides here. U.S. per capita emissions are 5 tons of carbon per year, while Europe and Japan emit 2-5 tons of carbon per year per capita. By comparison, the developing world average per capita is about 0.6 tC/year. In order to stop global warming, the world will need to reach an average of 0.3 tC/year per capita by the end of the century. [Kammen et al.]

In addition, in the last century, developed countries were responsible for 60 percent of the net carbon emissions that have caused global warming. The United States alone contributed to net carbon emissions from 1900–99. By comparison, China was accountable for only 7 percent and India for 2 percent.

**Myth:** Industry voluntary actions are sufficient.

**Fact:** The United States has tried a range of domestic and international voluntary efforts to reduce global warming pollution over the past decade, but U.S. emissions have continued to rise. The fact is voluntary programs alone will not stop the rise in emissions. Because the Hagel amendment relies exclusively on voluntary programs, it won’t work either.

**Myth:** Global warming emission limits should not be obeyed halfway because it will undercut economic growth.

**Fact:** Climate policy is essential for a secure and strong U.S. economy, as well as a healthy environment. A carbon emissions cap would encourage U.S. corporations to innovate, develop new, competitive technologies for the global market and be world leaders in climate policy. Technologically innovation in energy efficiency and renewable energy will stimulate job growth, energy independence and investments in research and development.

**Political incentives to develop new clean technology will provide the certainty that U.S. companies need in order to make rational investment decisions.** As the energy infrastructure in the U.S. ages and we are ready to replace it, building low and no-carbon technologies now is economically essential. Without it, we will prevent costing our companies a lot more in mitigation costs when they have to retrofit plants and shut down plants due to limits on carbon emissions in the future. An essential to U.S. economic growth.

**Myth:** Current energy policy is sufficient as is. Limiting fossil fuel use will undermine this policy.

**Fact:** Limiting carbon pollution will strengthen the new national energy policy, which, in its current form, is insufficient to increase U.S. energy security and to protect against rising global temperatures. American companies are currently losing out on billions of dollars in profits because current U.S. energy policy has failed to provide sufficient political incentives for clean energy innovation.

**Wind power, solar photovoltaics and fuel cells and hydrogen infrastructure are high-growth markets, in which U.S. companies are not the technological leaders. Solar and wind power have each grown by more than 30% annually since 2000, growth rates that are more common in such high-tech markets as personal computers and the Internet. Yet, in the past 10 years, the United States went from owning 50% of the global PV market to 10%. The United States will not be more secure if we invest in technologies that reduce our dependence on fossil fuels and will be stronger if we invest in the European and Japanese companies in the profitable clean-energy market.

**Myth:** The United States should not implement global warming policy until developing nations commit to such policies as well.

**Fact:** More than one hundred and forty nations globally have agreed to collaborate and make real reductions in global warming pollution. Simply because the U.S. passes legislation different from the rest of the world’s climate policy does not mean that we are going to lose competitors. Proposed climate amendments are far less stringent than the mandates in the Kyoto Protocol.

The United States is responsible for more than a quarter of the world’s carbon dioxide emissions—more than China, India and Japan combined. While developing countries’ emissions are increasing, the United States is increasing the possibility to stop global warming without the world’s largest polluter taking action.

Domestic climate policy will create jobs in the United States and save Americans billions of dollars, in addition to enabling U.S. companies to regain technological dominance in the renewable energy sector. The renewable energy sector creates as many jobs per megawatt of power installed, per unit of energy produced, and per dollar of investment, than the fossil fuel-based energy sector. Eliminating, rather than subsidizing, incentives for fossil fuels, concludes Kammen et al from the University of California at Berkeley.

**Myth:**: Creating CO₂ Limits would be extremely costly.

**Fact:** EPA’s high cost estimates are based on an unrealistic scenario in which the U.S. does not increase renewable energy generation, fail to implement responsible energy policy and does not utilize carbon capture technology.

The Climate Stewardship Act provides a market-based solution. The Telesis Institute analyzed the bipartisan Climate Stewardship Act using a modified version of the Energy Information Administration (EIA) NEMS model to calculate the net savings to consumers as a result of this Act will reach $30 billion annually from 2013 through 2020. A different study by MIT economists found that the cost to the economy will be a modest $15–$19 per household per year from 2010–2020. Measured in terms of the impact on household purchasing power (defined as welfare costs), this is only 0.02 percent of business-as-usual consumption levels from 2010 onward.

Global warming policy will help U.S. companies profit from the high-growth clean-energy market, currently estimated at $12.9 billion. It is projected that by 2033, the combined solar photovoltaics, wind power and fuel cells and hydrogen infrastructure market will represent a $92 billion market (Clean-edge). Without the political incentive to invest in global warming technology, European and Asian technological innovation will out-compete American companies.

**Myth:** The President’s plan is sufficient.

**Fact:** President Bush’s voluntary global warming plan does not address climate concerns. It is far from sensible, putting U.S. companies at a competitive disadvantage in the global high-growth clean-energy market, and reductions of heat-trapping pollutants to continue growing indefinitely at exactly the same rate they have grown over the last 10 years. The president has used a misleading emissions “intensity” metric that disguises more pollution, not less.

The United States has tried a range of domestic and international voluntary efforts to reduce global warming pollution over the past decade, but U.S. emissions have continued to rise. The fact is voluntary programs alone will not stop the rise in emissions. Because the Bush global warming plan relies exclusively on voluntary programs, it won’t work either.

Most of the president’s proposed spending is only a continuation of past work on the science of climate change.

**Bottom line:** Under the Bush plan, emissions in 2012 will be 30 percent above 1990 levels and still rising.

**Myth:** Climate Mandates are Not Scientifically Justified.

Most of the USA Today put it on their June 13 front page, “The debate’s over. Globe is warming”.
This headline reflects the mainstream scientific consensus that humaninduced global warming. Scientists are virtually certain that CO₂ pollution from fossil fuel burning and deforestation is the major observed global warming during the last few decades. Last week, the National Academy of Sciences and science academies of 10 other nations also indicated “significance of humaninduced warming” and called for “an immediate response” and “prompt action” to reduce global warming. They warned, “Failure to implement significant reductions in net greenhouse gas emissions now will make the job much harder in the future.”

The preponderance of scientific evidence conclusively demonstrates that global warming continues.

The warming in the late 20th century is unprecedented in the last 1000 years. Seven of the ten warmest years in the past century were since 1990, and NOAA concluded that 1998 was the hottest year on observable record.

Simulations of climate change using solely natural climate variability do not recreate or parallel actual climate changes which have occurred over the last 50 years.

Natural climate variability cannot be the cause of the rapid increase and magnitude of change in Earth’s temperature. The effect of natural phenomena, such as solar variability, compared to the effect of heat-trapping pollution added to the earth’s atmosphere, concluded the Intergovernmental Panel on Climate Change (IPCC), a group comprised of the 2,500 of the world’s most prominent climate scientists, economists and risk analysts. Additionally, the net effect of natural climate factors for the past three, and possibly four, decades is negative—a cooling effect.

The mainstream global scientific consensus is that human-induced global warming, Sallie Baliunas and Willie Soon are the two “climate contrarians” at the Harvard-Smithsonian Atmospheric Center who challenged this accepted conclusion and declared that there was a Middle Age Warm Period. They received $53,000 for this study from the American Petroleum Institute, the oil and gas industry’s primary trade organization. Their methodology is fundamentally flawed and their claims are inconsistent with the preponderance of scientific evidence.

Myth: Scientific Review has Discredited the Underlying Study (“hockey stick” report) on Warming.

Fact: Scientists’ conclusion that humans have caused global warming has been reinforced by many scientific reports, computer models and analyses. For example, a recent study by NASA, Columbia University and DOE scientists has been called the “smoking gun” of global warming. This report showed a clear energy imbalance—the planet is absorbing one watt more of the sun’s energy, per square meter, than what is radiated back into space. This increase in energy will accumulate and warm the earth’s atmosphere.

The so-called “climate contrarians”, McIntyre and McKitrick, who challenged mainstream scientific consensus and Michael Mann’s analysis, wholly misrepresented the results of the model. McIntyre and McKitrick did not follow standard scientific protocol, and they omitted key data for the period 1400-1600. http://www.berlinwind.org/environment.html has more description of Mann’s report.

Myth: Greenhouse Gas emissions are not Pollutants.

Fact: Carbon dioxide is without a doubt a pollutant in the quantities that humans are releasing it into our air. Generally, a pollutant is defined as an “undesirable state of the natural environment being caused to happen with harmful substances as a consequence of human activities”. Global warming pollution is also considered pollution under the Clean Air Act. The act says that an air pollutant is any “physical, chemical, biological, [or] radioactive . . . substance or matter which is emitted into the atmosphere” (CAA, sec. 302(g)). CO₂, is, therefore, a pollutant under the Clean Air Act, as well as in the real world.

Carbon dioxide is, and will continue to be, the cause of significant health impacts. According to the EPA, the prevalence and severity of particular diseases depends largely on the occurrence of temperatures that can be directly lethal (in the U.S., twice as many people die from the heat as from the cold). Indirectly, infectious diseases such as malaria and other tropical diseases which only appeared in warmer equatorial regions, will travel northward as mosquitoes follow the warmer temperatures to the north. Moreover, hotter temperatures can increase air and water pollution, which indisputably cause asthma attacks, lung disease and other serious health effects.

Large and rapid climate changes are already causing extreme weather patterns, heat waves, rising ocean temperatures and acidity, coral reef destruction, early snow melt and the advance and retreat of mountain glaciers. Hotter temperatures will continue to lead to coastal and island submergence, disturbed food production levels and unpredictable changes to ocean and atmospheric circulation.

While directly breathing CO₂ is not a concern, the cumulative effects of the rapid buildup of the gas in the atmosphere because of human energy use is arguably the largest environmental threat to humankind in the next generation. Myth: The “Poison Pill” Climate Amendment.

Fact: This is a circular argument, asking Members of Congress to oppose the climate amendment because Members of Congress oppose the climate amendment.

Without climate policy, the energy bill will not significantly reduce oil dependence or address global warming. A market-based solution such as the Climate Stewardship Act provides the economic opportunities and real emissions limits that must be included in a strong energy bill.

Myth: A “methane-first” strategy is more cost-effective than reducing carbon dioxide.

Fact: It is true that on a pound for pound basis, methane is a much more powerful greenhouse gas than carbon dioxide, and it should be controlled. However, carbon dioxide is the principal global warming because of the massive quantities of it released from burning fossil fuels. Carbon dioxide’s concentration in the atmosphere is now over 390 parts per million, higher than at any time during the last 400,000 years.

Myth: Greenhouse gas caps are bad for the strained supply of natural gas.

Fact: A key finding of the Tellus Institute analysis of the Climate Stewardship Act is that natural gas prices would decrease with a policy that focuses on global warming pollution in conjunction with targeted complementary policies. When the emissions cap is accompanied by energy efficiency measures and demand response policies, the EIA NEMS model shows a slight decrease in the price of natural gas relative to the base case. The complementary policies that contribute to cost-effectiveness of the Climate Stewardship Act include energy efficiency investments funded by allowance sales under the Act, renewable energy standards, and expansion of combined heat and power systems.

Mr. MCCAIN. Mr. President, I don’t think it is likely that we will win this vote. I don’t count votes, but I have been around here long enough that I can pretty well “take the temperature of the body.” It is rising. That is a bad metaphor that I can probably tell what is going to happen in our vote counts. All I can do is assure my colleagues that the first time Senator LIEBERMAN and I are on the floor—and we will be back—there will be even more definitive statements by the world scientific community, more manifestations of this terrible calamity that is besetting this great world of ours, and over time we will win. I am very confident of that because we must act.

As far as Kyoto is concerned, Senator LIEBERMAN and I know India and China would have to join as a condition for the United States to be even part of it, and there is no way that we can be modified to some degree. The reason why I worry is not because of the fact that I am not confident we will win; I am worried about what happens in the meantime. The condition was far less restrictive. In the meantime, Senator LIEBERMAN and I took up this issue. The first time we had a hearing in the Commerce Committee 6 years ago, it was a problem. Now it is rapidly approaching a crisis of enormous proportions. So I worry that delay means further irreversible changes and so sure the environment of this Earth is not suffering permanent damage.

I urge my colleagues, after this vote, to get briefed, to get information, travel with us, do what you can to ascertain what is happening on the Earth. I think the next time we are on the floor, we will gain a majority.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague and partner in this cause, Senator MCCAIN, for his persistent, principled leadership. It is an honor to fight alongside him on behalf of what we believe is right for future generations of Americans—our kids and grandkids.

As I have listened to the debate in the Senate—particularly, with all respect, listening to some of the opponents of this amendment—I keep thinking of a song by Bob Dylan, from a younger time in my life. I apologize to the great Dylan if I have the lyrics a little wrong, but it was generally along the lines of:

"If war was the answer, I would say, keep on keeping you."

I am with us, do what you can to ascertain what is happening on the Earth.

The theme was that the times are rapidly changing. What is rapidly changing in our times is the temperature on this planet that God has given us. It is changing too fast, with bad consequences, and it is changing as a result of what we humans are doing. The science is changing to be clearer..."
and clearer that global warming is a problem.

What is not changing is the failure of some of my colleagues to recognize that science. Senator McCaIN is right. We fought hard again, but we are not going to win this vote. As he said, we are losers. Steve Percy, former chief executive of BP America, has a couple of changes he wants to see. He is not ready to support the bill. He is saying: Yes, we agree with you that there is a problem. But we think you are going at it the wrong way. You are trying to do too much too soon. I took heart from the statement by Senator DrWn of Ohio, who came to the conclusion, based on thoughtful consideration, that the science tells him this planet is warming, and he doesn’t want to look back at the end of his service and say he didn’t do anything about it. He is not ready to support the bill. He has a couple of changes he wants to make. Senator DemenCid basically said the same thing.

The science is compelling. Global warming is a fact, as colleague after colleague, including Senator FeinSteIN of California, Senator Akaka of Hawaii, Senator Nelson of Florida, has come to the floor and said that they see it in their statements. They see with their own eyes the impact that global warming is having. Senator Carper brought pictures his friend had taken of glaciers melting over a period of years.

The question is, Are we going to change? Is that the message of this amendment? Is that the message of this problem before it has catastrophic consequences? The science is real. Costs? Well, again, you could find economists—the old line is if you lined up end by end all the economists in the world, they would not reach a conclusion. An MIT study said if our amendment was adopted, it would add $20 a year per household to the cost of living. Isn’t that worth it to save our children and grandchildren on this planet so they can enjoy it as we have?

Time is running out in the business community. Listen to Wayne Brunetti, CEO and chairman of Xcel Energy, Inc., who says:

Give us a date. Tell us how much we need to cut. Give us the flexibility to meet the goals, and we will get it done.

Linn Draper, former chairman and CEO of American Electric Power, says:

Climate change is a challenge facing both business and policymakers. Early action represents a commonsense approach that can begin the process of lowering emissions along a gradual, cost-effective glidepath.

Steve Percy, former chief executive of BP America, some companies feel if we don’t act soon, they are going to inherit a planet that is not going to be as hospitable as the one we were given by our parents and grandparents—eventually the Senate will change with those times and catch up. We are working garden but to guard it. We are working.

Senator McCaIN and I have worked a long time with a lot of people in the business and environment and scientific and political worlds to present this legislation. This is no more than anything fashioned by human beings, but we think it is the only real opportunity the Senate will have in this session—in this bill certainly—to do something real about global warming. Not only do you recognize that there is a problem—there is—are you willing to work to do something about it? If you are, you will vote for this amendment.

I quoted Jonas Salk yesterday when we began this debate, the discoverer of the polio vaccine. He said something to this effect: One of the most important things for anybody to do in life is to be a good ancestor. We must be good ancestors, which is to say that the generations who follow us will look back at us and ask: Were they good ancestors? Did they turn the world over to us in better condition than they received it? If we don’t do anything about global warming, we are going to turn this world over to our children and grandchildren in a much worse condition than we received it. I end not with science, not with economics, not with politics because the times are changing, and eventually the Senate will change with those times and catch up with the reality and the American people. Finally, we are blessed to live on God’s good Earth, and at the beginning in the Book of Genesis, God instructed Adam and Eve to not only work the garden but to guard it. We are working the garden but not guarding it as well as we should be.

This amendment will help us to do that.

The PRESIDING OFFICER. The minority leader.

Mr. Reid. Mr. President, I will use my leader time.

Mr. President, global warming constitutes one of the greatest challenges of our time. I believe that. Greenhouse gas emissions from the burning of fossil fuels have threatened not only our environment but also our economy and public lands. Should we continue unabated our current rate of polluting, we threaten to disrupt the delicate eco-

logical balance on which our livelihoods and our lives depend.

Addressing this growing environmental threat demands strong leadership. We are afraid such leadership has been sorely lacking by this administration. Instead, the White House has been documenting information about global warming in reports by Government scientists. A White House senior official named Philip Cooney, removed or adjusted descriptions of climate change research that scientists had already approved. Mr. Cooney previously worked as a lobbyist for the American Petroleum Institute before joining the administration. Mr. Cooney had the audacity, and ExxonMobil had the misfortune and the inability to see how wrong they were, they hired him. ExxonMobil has renounced the same—this is a corporation that has opposed measures to reduce greenhouse gas emissions and has funded groups of global warming skeptics.

It is time for the administration to bypass the filtering by White House officials and bear directly from the scientific and political worlds to present this legislation, as highlighted recently in a number of ways. First, in advance of the G8 summit next month, the National Academy of Sciences and the equivalent organizations from 10 other countries said last week:

The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. It is vital that all nations identify cost-effective steps that they can take now to contribute to substantial and long-term reduction in net global greenhouse gas emissions.

ExxonMobil, the Terminator, California Governor Arnold Schwarzenegger, recently said, “The debate is over,” and announced a goal of cutting the State’s emissions by 80 percent by the year 2020.

A bipartisan group of mayors from 158 American cities issued a statement calling on the Federal Government to reduce global warming. The mayors, who represent 32 million people, acknowledged the clear public mandate to address this issue, and opined that reducing greenhouse gas emissions will help ensure our energy security for this country.

Even industry is breaking ranks with the White House. General Electric, one of the largest companies in the Nation, if not the largest, recently joined a growing list of businesses calling on the Federal Government to provide stronger leadership on global warming. Fortune 500 companies, such as Alcoa, British Petroleum, DuPont, Eastman Kodak, IBM, Intel, Linn Draper, former chairman of Xcel Energy, Inc., and Nike, to name a few, have all made significant reductions in their greenhouse gas emissions.
The United States accounts for about 4 percent of the world’s population. Yet it is responsible for more than 25 percent of the world’s global warming pollution. U.S. leadership on global warming is critical to building international support for future global reductions, and America’s industry needs to be part of the solution to drive the technology that will make technology solutions feasible to all nations. We must set the example.

The McCain-Lieberman amendment would cap greenhouse gas emissions in 2010 at 2000 levels and establish a mandatory economywide cap-and-trade program. The amendment would limit emissions of global warming pollutants by electric utilities, major industrial and commercial entities, and refiners of transportation fuels.

The amendment would allow businesses to devise and implement their own solutions using a flexible emissions trading system that has successfully reduced acid rain pollution under the Clean Air Act at a fraction of anticipated costs. By setting reasonable caps on emissions and permitting industry to trade in pollution allowances, this creates a new market for reducing greenhouse gases. We cannot afford to defer action to address global warming.

I commend and applaud these two great Senators for joining together to bring to the attention of the Senate a world problem that takes the United States, via example, to solve.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. Coburn). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 826, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

The result was announced—yeas 38, nays 60, as follows:

[Role Call Vote No. 148 Leg.]

YEAS—38

Akaka  Grrz
Bayh  Inouye  Nelson (FL)
Biden  Jeffords  Obama
Bingaman  Johnson  Reed
Cantwell  Kennedy  Reid
Cardin  Korb  Rockefeller
Chafee  Kiol  Salaran
Clinton  Lautenberg  Sarbanes
Collins  Leahy  Schumer
Corzine  Lieberman  Snowe
Dodd  Logar  Stabenow
Durbin  Salazar  Stabenow
Feinstein  Mikulski  Wyden

NAYS—60

Alexander  Burr  DeMint
Allard  Byrd  DeWine
Allen  Chablis  Doles
Baucus  Coburn  Domenici
Bennett  Cochran  Ensign
Bond  Cornyn  Enzi
Boxer  Cornyn  Feingold
Brownback  Craig  Frist
Bunning  Crapo  Graham
Burns  Dayton  Grassley

The amendment (No. 826), as modified, was rejected.

The PRESIDING OFFICER. The Senator from New Mexico.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I understand Senators SPECTER and ALARD would like to speak. I ask unanimous consent they be recognized to speak for up to 10 minutes each and I then be recognized to call up my amendment, numbered 866.

Mr. INHOFE. Reserving the right to object, do we have a time agreement on your resolution?

Mr. BINGAMAN. Mr. President, there is no time agreement entered. I am glad to enter into an hour-long time agreement, equally divided, if that is acceptable.

Mr. INHOFE. How about 20 minutes, equally divided, and I yield back my time.

Mr. BINGAMAN. I believe myself, Senator DOMENICI, and perhaps Senator SPECTER wish to speak on my amendment. I hesitate to limit it to 10 minutes if that is what the Senator is suggesting.

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

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

Mr. BINGAMAN. Mr. President, let me restate the request. Senators SPECTER and ALARD would like to speak. I ask unanimous consent they be recognized to speak for up to 10 minutes each. Following that, the Senator from Oklahoma and I would have time equally divided on the modified Bingaman amendment, numbered 866, and a vote would occur in relation to that amendment at 5:30, with no amendments in order.

Mr. WARNER. Reserving the right to object, I would like to get into the queue and accept the manager’s request. My amendment is filed. The Senator from Tennessee is my co-sponsor. Could we follow the Senator?

Mr. BINGAMAN. This is not a queue. This is a queue of one. We are just trying to get in a position to act on this amendment.

Mr. WARNER. I want to help the managers keep this bill moving. We would not require more than 30 minutes to get the amendment to the floor.

Mr. DOMENICI. Just a moment. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator BINGAMAN is trying his best to get something called up we have agreed on. He is not in a position to agree. I am trying to put it together, and he is agreeing I should do that.

Would the Senator from Tennessee and you have an amendment with reference to windmills?

Mr. WARNER. That is correct. This is offshore drilling.

Mr. DOMENICI. I don’t want to do that. I would rather wait a while.

Mr. WARNER. If the distinguished manager would indicate what “wait a while” means.

Mr. DOMENICI. There are 100 amendments. You want to go in the middle of the 100? Do you want to go first?

Mr. WARNER. I am here to accommodate.

Mr. DOMENICI. I will take one at a time, sit down and organize at the table with you.

Mr. WARNER. If the distinguished manager would indicate, we could go tonight. I would be willing to wait all night.

Mr. DOMENICI. We are willing to try hard. Our leaders told us to stay here tonight and try to agree to some amendments. We will put you right there.

The PRESIDING OFFICER. Is there objection to the request by the Senator from New Mexico on his unanimous consent?

Mr. LAUTENBERG. Mr. President, if we are going to open up an opportunity for additional amendments, I have an amendment that has been sitting here.

The PRESIDING OFFICER. The question before the Senate, is there objection to the unanimous consent request by the Senator from New Mexico?

Mr. INHOFE. Reserving the right to object.

Mr. DOMENICI. Let Senator BINGAMAN. The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask you to restate the unanimous consent at this time. It is my understanding we would have time equally divided, between now and 5:30, at which time there would be a vote. I state my intention would be to move to table the Bingaman resolution.

The PRESIDING OFFICER. The unanimous consent request is for 10 minutes for Senator SPECTER and Senator ALARD and 20 minutes equally divided between the Senator from New Mexico and the Senator from Oklahoma, with a vote time certain at 5:30. Is there objection?
Mr. ALEXANDER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Could I ask the Senator from New Mexico, how do I get in the amendment?

Mr. LAUTENBERG. Mr. President, I object.

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

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

Mr. BINGAMAN. Mr. President, could we have the unanimous consent request put to the Senate again.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. KERRY. Reserving the right to object.

Mr. INHOFE. Reserving the right to object.

Mr. BINGAMAN. Let me restate it for Senators who might not have heard it before: We recognize Senator SPECTER to speak for up to 10 minutes. We recognize Senator ALLARD to speak for up to 10 minutes. The remainder of the time, between now and 5:30, would be equally divided between the Senator from Oklahoma and myself in relation to the modified amendment that I have offered, amendment No. 866. There would be a vote at 5:30 on or in relation to amendment No. 866, as modified.

Mr. KERRY. Reserving the right to object; is there any proposal and/or agreement with respect to what happens after that?

The PRESIDING OFFICER. There is not.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum once again.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, let me restate the request. I ask unanimous consent that Senator SPECTER be recognized to speak for up to 10 minutes; Senator ALLARD from Colorado be recognized to speak for up to 10 minutes; and following that, I be recognized to present my amendment No. 866 and a modification of that amendment; that the time between then and 5:40 be equally split between myself and the Senator from Oklahoma; and that we would then have a vote at 5:30.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. DOMENICI. A vote on or in relation to the amendment. He wants to table it.

Mr. INHOFE. I already indicated that.

Mr. DOMENICI. That is part of the consent request.

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

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleagues for the time. I appreciate the 10 minutes. I will try to reduce that time because I see the congested calendar here today.

Mr. President, I have sought recognition to comment, first, about the very serious situation with oil prices—approximating $60 a barrel now—and the average cost of gasoline across the country at $2.13. This is a problem which has beset the United States and the world for decades now. I remember with clarity the long gas lines in about 1973.

I have believed for a long time that we ought to be moving against OPEC under the laws which prohibit conspiracies and restraint of trade. I set forth, in a fairly detailed letter to President Clinton on April 11, 2000, my recommendations for litigation by the Federal Government against OPEC, and I repeated it in a letter to President Bush dated April 25, 2001. I ask unanimous consent that both of these letters be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. SPECTER. I was then pleased to see my distinguished colleagues, Senator DeWine and Senator Kohl, introduce what is now S. 555, the No Oil Producing and Exporting Cartels Act of 2005, which was accepted by voice vote yesterday. What this bill does essentially is to codify the ability of the Government to proceed against OPEC under the antitrust laws.

It is my legal opinion, as set forth in the detailed letters to both President Clinton and President Bush, that the United States has that authority now, that it is not governmental activity when OPEC gets together and conspires, it is commercial activity. They do business in the United States. They are subject to our antitrust laws. And we should have moved on them a very long time ago.

It is my hope the DeWine-Kohl bill, which I cosponsored, which has come out of the Judiciary Committee and the Antitrust Subcommittee, will be retained in conference. It is always a touchy matter to have a voice vote as opposed to a rollcall vote where if the numbers are very substantial it may be that the amendment will be taken more seriously in conference than if it is a voice vote. But I urge the managers to take the DeWine-Kohl amendment very seriously, because I have cosponsored. We ought to be moving against OPEC because of their cartel activity.

To that end, I voted earlier today for the Schumer Sense of the Senate amendment calling on the President to confront OPEC to increase oil production and vigorously oversee oil markets to protect the U.S. from price gouging. I supported the amendment even though I disagreed with another section calling for the release of oil from the Strategic Petroleum Reserve.

While I recognize that the Sense of the Senate amendment is not binding, I believe the strong vote sends a signal to the Administration that there is support for action against OPEC.

I know the floor is going to be very crowded a little later, so I am going to take this opportunity to speak very briefly on the amendment which is offered by Senator BINGAMAN—cosponsored by Bingaman-Byrd-Specter. And I think Senator DOMENICI is going to join it as well.

I commend Senator BINGAMAN for his initiatives on the issue of our energy policy to try to cut down on emissions and to try to cut down on the problems of global warming. We have just had a vote on the amendment offered by Senator MCCAIN and Senator LIEBERMAN. We had a vote on it in the year 2003. It has always been a very attractive amendment.

I opposed it because I believe that it puts the United States at a very substantial economic disadvantage with other countries that are not compelled to comply. As a Senator from Pennsylvania, I have a duty to be specially concerned about what is happening in steel, what is happening in coal, which is what is happening in steel, but I think the thrust of it is something. The objectives need to be obtained.

The National Commission on Energy Policy published a report last year which deals with the problems of emissions reductions and the cap on emissions in trade so that one company may utilize the emission limit of another company. I have been in discussions with Senator BINGAMAN on that, and I am glad to see his amendment is moving forward at this time. I am pleased to be a cosponsor of his amendment. I believe this will take a significant step forward on the issue of global warming. It would always be desirable to move farther ahead in a more dramatic fashion, but I think this is a significant step forward.

I have been pleased to work with Senator DOMENICI. I compliment the chairman. And Senator BINGAMAN, the ranking member, I compliment him on a number of amendments which I think will strengthen the energy policy of the United States.

EXHIBIT 1


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 form of restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After 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 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.

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 injunctions to prevent such cartels from acting.

In addition, the Administration should consider suing OPEC for treble damages under the “Clayton Act (15 U.S.C. Sec. 15a), since it “was caused by injury to property” 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 Reister v. Sonatone Corp., 442 U.S. 30 (1979), the Supreme Court held that the consumers who were direct purchasers of certain hearing aids were “directly injured” by the cartels’ conspirators when those cartels had led to an increase in prices that 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 bringing such a suit.

One potential obstacle to such a suit is whether the Foreign Sovereign Immunities Act (26 U.S.C. Sec. 959) bars such suits against 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 Machinists v. Int. Assoc. of Machinists, 510 F. Supp. 559 (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 overrule it.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaged 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. If they are engaging in “commercial activity,” then the FSIA does not. If these nations are engaging in “commercial activity,” then they are subject to suit in the U.S. The California District Court held that 41 of the 45 OPEC members were engaged in “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 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 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 “act of state” case, because it is an act of foreign policy 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 actions of foreign states.

The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that “The [act of state] doctrine is rigid rule of application,” but rather application of the rule will depend on the circumstances of each case. The Court also noted that 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 concern concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can in such a case apply 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 has been major development in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990’s have witnessed efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of 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 anti-competitive conduct of the international oil cartel is being effectuated, by private companies who are subject to the enforcement of U.S. antitrust law (former state oil companies that have now been privatized) rather than sovereign foreign states. If such private oil companies are deemed to have committed the anticompetitive conduct of the oil cartel, then we would urge that these companies be mulled as defendants in an antitrust lawsuit in addition to OPEC.

(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 Court’s statute, the ICJ 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 will be willing to take such a case. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms. Particularly in the area of human rights, 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 for violations of fundamental principles of human rights. For example, as of December 1, 1999 the Yugoslavia tribunal alone had handed down 81 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, Hisseine Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly knew about or participated in torture. Perhaps the most similar case is that brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. After a request of the Court at the Hague to enforce the trial of Pinochet, 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 a rule could ordinally 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, showed sharply expanding horizons of international law.

While these emerging norms of international behavior have tended to focus more on traditional public international principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing. For example, 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, allocate sales territories, and exchange sensitive business information. 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 communiqué 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 communiqué further expresses the intention of the signatories to “consider adopting such measures as necessary to assure the enforcement of the agreements reached in this communiqué, which includes prohibiting oil cartels from conspiring to limit production and raise prices.”
competition laws.” One of the countries participating in this communiqué, 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 RIDEN

UNITED STATES SENATE

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 and reverse OPEC’s oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is no 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 norms.

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.”

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 Ritter v. Sonotone Corp. 442 U.S. 330 (1979), an English court held that the consumers of certain hearing aids who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act because "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 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 National 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. Circuit, can and should reconsider this issue.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaged in “governmental activity” or “governmental activity” when they cooperate to sell oil. If they are engaging in governmental activity, then the FSIA shields them from suit. However, if these nations are engaging in “commercial activity,” then they are subject to suit in the U.S. The California 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 (449 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this antitrust case as it involves “an act of state.” This means that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the conduct of one country against another.

We disagree. The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that “The [act of state] doctrine does not suggest a rigid rule, but rather application of the rule will depend on the circumstances of each case. The Court also noted that “A further consideration is the behavior of other nations which have 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 are in the best position to determine the existence 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 codification of international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international court decisions that cartels violate 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 a case against OPEC before the International Court of Justice ("ICJ"). The ICJ is empowered to hear cases between states. The Court is also empowered to interpret customary international law.

If the Court found that OPEC’s behavior violates such international norms, the ICJ could order OPEC to effectively halt and deter hard core cartels. The recommendation defines “hard core cartels” as cartels which agreements, fix prices or establish output restriction quotas.

The ICJ could order OPEC to cooperate with other countries 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 communiqué in which they express their intention to cooperate more effectively on enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation. The communiqué further expresses the intention of these countries “to cooperate with each other . . . 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 you will seriously consider judicial action to put an end to such behavior.

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

ARLEN SPECTER HERB KOHL CHARLES SCHUMER MIKE DEWINE STROM THURMOND
Mr. SPECTER. Mr. President, how much time of my 10 minutes remains?

The PRESIDING OFFICER. Four minutes 43 seconds.

Mr. SPECTER. I yield it back and ask for an appropriate credit. Thank you.

Mr. SPECTER, as a member of the Energy Committee, has worked tirelessly on this important legislation, and our Nation owes him a great deal of appreciation for his persistence.

Ongoing events, here in the United States as well as around the world, are daily reminders of how desperately our country needs a sound energy policy. One only has to pick up a newspaper or listen to the nightly news to know that our national security is one of the most important issues we are currently facing. And one only has to receive their monthly electric bill or drive past a gas station to know that our energy markets are in need of certainty and stability. That is why the third Congress during which we have tried to pass an energy bill, and I say it is time to get it done.

I would like to first speak about oil shale, a promising fuel source found in abundance in the Rocky Mountain region. The oil shale in this region produces a very light crude, suitable to fill needs for jet fuel and other very pure fuels. During the last several years a handful of companies have worked to develop technologies that will allow for economically and environmentally feasible development of this resource.

Some of the oil shale resources lie under private lands, but much of it—certainly the richest deposit—is under Federal lands. This area, now under the purview of BLM, was formerly known as the Naval Oil Shale Reserve. I would remind my colleagues that, when my former colleague Senator Ben Nighthorse Campbell of Colorado, authored a bill to transfer the Naval Oil Shale lands into the keeping of BLM, the legislation specified that the resource remain available for development. Congress recognized that BLM was in a better position to manage the publicly owned lands than was the Department of Energy, but we never intended to place the development of the resources in this area off limits.

The energy legislation we are considering here allows for small-scale demonstration projects at BLM sites. I am also working with my colleagues, Senator HATCH and Senator BENNETT, on provisions that will help lead to commercialization after the demonstration projects have proven themselves.

It is a bad business practice to pour millions of dollars into research and development projects with no hint of assurance those projects will lead to the technologies. Therefore it is important to give companies that are investing tens of millions of dollars into these research projects a proverbial light at the end of the tunnel.

As a founder and cochairman of the Renewable Energy and Energy Efficiency Caucus I am also supportive of incentives that are included in the legislation to continue moving the country’s use of renewable resources forward. Technological advancements in solar, wind, geothermal, biomass, fuel cells, and hydro have made great strides. And increases in technology have led to decreases in price. Government has played an important role in the research that will help us reach our renewable technology goals, and we should continue under those goals. The input and investments of the Federal Government have been vital in furthering industry and private sector involvement in the renewable field.

The National Renewable Energy Laboratory, NREL, in Colorado, has made an incredible contribution, and has played a very important part in current technological advancements. The technologies being developed at NREL—whether providing alternative fuels and power, or making our homes and vehicles more energy efficient—are vital to our Nation’s energy progress.

We must continue to provide incentives for the implementation of renewable uses and for the infrastructure necessary to support these renewable sources. These technologies are a necessary step in balancing our domestic energy portfolio, increasing our Nation’s energy security and advancing our developmental excellence. And I believe this bill takes an important step in that direction.

It is my hope that Congress passes an energy bill this year. I think that we will be making a huge step in that direction when the Senate does pass this bill. In closing I extend my thanks and admiration to Senators DOMENICI and BINGAMAN, and their staffs, for the long hours and extreme dedication they have given to this matter. I must say that I have reviewed that this is an energy bill we have produced in a number of years, and I know there are some, or maybe one in the very near future.

I yield the floor.

AMENDMENT NO. 866, AS MODIFIED

(Purpose: To express the sense of the Senate on climate change legislation.)

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, as I understand it, under our unanimous consent agreement, it is now appropriate for me to call up amendment No. 866, as modified.

The PRESIDING OFFICER. That is correct. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. Bingaman], for himself, Mr. DOMENICI, Mr. SPECTER, Mr. ALEXANDER, Ms. CANTWELL, Mr. LIEBERMAN, Mr. LUTENBERG, Mr. MCCAIN, Mr. JEFFORDS, Mr. KERRY, and Ms. SNOWE, proposes an amendment numbered 866, as modified:

At the end of title XVI, add the following:

SEC. 16. SENSE OF THE SENATE ON CLIMATE CHANGE.

(a) FINDINGS.—Congress finds that—

(1) greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods and droughts;

(2) there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and

(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that—

(1) will not significantly harm the United States economy; and

(2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

Mr. BINGAMAN. Mr. President, I went ahead and allowed the clerk to complete the reading of the amendment because it is short and because it is important that Members focus on what is contained in the amendment. I had a significant conversation with Mr. Bingaman on the Senate floor with regard to the proposal made by Senators MCCAIN and LIEBERMAN to cap greenhouse gas emissions. Some voted for it because they believed that this was an appropriate proposal. Others voted against it—some because they did not believe the issue is a valid one; some because they did not believe the effect on the economy was one they would favor; others because of the workability of it. I have worked with Senator DOMENICI during recent weeks to see if we could come up with a proposal based on the National Commission on Energy Policy recommendations which would include some of the same things but would have been a more modest beginning at containing and constraining carbon emissions going into the atmosphere. We were not able, frankly, to get agreement among enough Senators that the proposal, as currently drafted, is doable in any respect. Therefore, Senator DOMENICI has indicated here on the Senate floor that he will try to have hearings and that we will be able
in the next several months going forward to consider this with great deliberation in our Energy and Natural Resources Committee. There are other committees with jurisdiction as well over this same set of issues. I am sure they will have the opportunity to work on it.

The resolution that is before the Senate right now and that we are scheduled to vote on in another half hour is an effort to see if we can get agreement on some basic propositions. In my opinion, it is very important that we demonstrate agreement on basic propositions in order that we can move ahead and deal effectively with this important and complex issue.

The propositions were as read. Let me go over them once again for my colleagues so that everyone knows what is contained in the resolution. Before I go through that, let me indicate the cosponsors of this resolution are Senators DOMENICI, SPECTER, ALEXANDER, CANTWELL, LIEBERMAN, LUTENBERG, MCCAIN, KENNY, and SENSE.

I ask unanimous consent that they all be listed as cosponsors of the amendment.

The PRESIDING OFFICER. Senator Mr. BINGAMAN. Without objection, is the resolution out of order?

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

The PRESIDING OFFICER. Senator Mr. INHOFE has 17 minutes 22 seconds.

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

The PRESIDING OFFICER. Senator INHOFE has 5 minutes 21 seconds, and Senator INHOFE has 17 minutes 22 seconds.

Mr. INHOFE. Mr. President, first of all, I know what a sense-of-the-Senate resolution is. Everybody here knows if you establish a position on a bill that is very meaningful, such as the bill...
that was defeated—the McCain-Lieberman bill—you can turn around and vote for a sense of the Senate and play both sides. Essentially, I think that is what happened here. Very clearly, a sense of the Senate does not mean anything except of course I would like to suggest that it would be difficult for me to imagine that anyone who voted in opposition to McCain-Lieberman a few minutes ago would turn around and support this because this is making four assertions that are not true. We have demonstrated very clearly that they are not true and nonscientifically based.

The first one is on the first page of the sense-of-the-Senate resolution. It says:

Greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability.

We talked about this for 3 hours today and it is not true. If you are concerned about, for example, surface temperatures, we have climate research, published in 2004, that says overall averages of warming rates is overstated. This is due to significant contamination with land-based weather stations, which add up to a net warming bias at the global averaging level.

Then, on climate research of 2004, this study refutes common claims that nonclimatic signals in the CO2 orthogonality calculation were filtered out by the IPCC. That is the International Panel on Climate Control, which we talked about in the beginning of this. Again, we look at this, in terms of satellite data, as printed in the text of the central station publication in 2004:

Substantial cooling has occurred in the lower stratospheric layer of the atmosphere over the past 25 years.

In other words, in the stratosphere, starting between 8 and 25 miles above the surface, it is not heating; it is actually reducing; the temperatures are reducing. This false conclusion that the stratosphere is warming never should have been published since the evidence was misinterpreted.

So we are saying something in this resolution that, quite frankly, is not true.

Second, it is "posing a substantial risk of rising sea levels, altered patterns of precipitation, and changing circulation," hurricanes, and all that.

We have talked about this at some length today. First, if you talk about droughts, we have already talked about the surface temperatures and the fact that they are not increasing. The hurricanes in global warming, we spent time today talking about that. The foremost authority nationwide is a guy named Dr. Christopher Landsea. He says that hurricanes are going to continue to hit the United States on the Atlantic coast, and the damage will probably be more expensive than in the past, but this is due to the natural climate cycles which cause hurricanes to be stronger and more frequent and rising property prices.

Obviously, it is going to cost more if you damage property that is increasing in value. He says that contrary to the belief of the environmentalists, reduction of CO2 has precipitated a cooling period in the impact of hurricanes. The best way to reduce the toll hurricanes would take on coastal communities is through adaptation and preparation. I think we all understand that. Rising sea levels. We talked about this today, too. They always talk about this Tuvalu, the island supposedly that is going to sink into the ocean. John Daly, in the report that came out—I don't think anybody questions his credibility—says the historical record, from 1978 through 1999, indicated a sea level rise of 0.07 millimeters per year, while IPCC claims a 1 to 2.5 millimeter sea rise for the world as a whole, indicating that the IPCC claim is based on faulty modeling. The national title facility based in Adele referred to the Tuvalu claims as unfounded. It goes on and on refuting that.

The next thing it says in this resolution is that the science is settled. I don't know how many times have to say that the science that was assumed to be true, based on the 1998 revelation of Michael Mann on the very famous "hockey stick" theory, has been refuted over and over again. We have the energy and environment report that came out in 2003 that says the original Mann papers contain collation errors, unjustifiable truncations of extrapolation of source data, obsolete data, geographical location errors, incorrect calculations of the principal components, and other quality control defects. It goes on to say that while studying Mann's calculation methods, McIntyre and McKitrick found that Mann's component calculation used only one series in a certain part of the calculation that was seriously flawed. They discovered that this unusual method nearly always produces a hockey stick shape, regardless of what information is put into it.

We had the charts out less than an hour ago. It is very clear that if you plot the temperature, as he did over the period of the last hundred years, it shows a fairly level line, until it comes to the 20th century, and it goes up. That is the blade on the hockey stick. Mann said this should start in 1959 and increase after the turn of the century. What he failed to put on the chart was the medieval warming period, which was from about 1000 A.D. to 1350 A.D. During that time, nobody refutes the fact that temperatures were higher than they are in this century.

The other thing, if all else fails, use logic. In the 1940s, when we had the dramatic escalation of CO2 and methane and anthropogenic gases, this is what they are asserting causes global warming, but it precipitated a cooling period that started in the mid-1940s and went to the late 1970s. As we said an hour ago, the first page on the major publications around America, such as Time magazine, said we are now having an ice age coming. Everybody was hysterical. We are all going to die in an ice age. That is using the same logic that, if you are going to say you are going to run out of atmospheric gas, in the late 1940s, we had an 85-percent increase in that, and that precipitated a warming period and a cooling period.

So you can take this and pick it apart. I kind of think it is going to pass because we had a lot of people who voted against the real thing which would have caused all of the economic damages. Now it is very safe to cover your vote by voting for something so you can answer your mail and say: Yes, that is all right. I voted for the sense of the Senate, saying we are going to do these things and accept the fact that No. 1, the planet is heating; No. 2, it is due to anthropogenic gases, and therefore it is too great. I cannot find a group that says they are not. Charles Rivers Associates. Sure, you can say the CRA is not a credible group. Nobody is going to say that because he is credible. They are saying no harm done. I think we should vote for me. That is happening now. We understand that. It was also brought out by the Senator from New Mexico that the economic impacts are not all that great when dealing with global warming. I suggest to you, very great. I cannot find a group that says they are not. Charles Rivers Associates. Sure, you can say the CRA is not a credible group. Nobody is going to say that because he is credible. They are saying no harm done. I think we should vote for me.
The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 9½ minutes.

Mr. INHOFE. I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I want to begin my brief statement by congratulating the managers of the bill for their good work in explaining the bill to this point. This is not a resolution I can support, but I acknowledge its good faith.

I point out that the resolution states, in the effective clause where it says what the sense of the Senate is, that we should “enact a comprehensive and effective national program of mandatory, market-based limits on emissions,” provided that—and subsection (1) says that “will not significantly harm the United States economy.” I read it and caught that word “significantly.” Evidently it is OK, under the resolution, to harm the American economy provided that it is not significant. I just wonder what the word “significant” means. Not significant may be if somebody else loses their job as a result of it. If I do not lose my job, it is not significant. I am wondering how much of GDP, how much of a loss of manufacturing jobs is significant. The estimates of the McCain-Lieberman amendment would be $72 billion annually as a direct cost. I wonder if that is significant.

High energy prices, which legislation of the kind envisioned by the resolution would cause, hurt the American economy. I do not want to do that. I do not want to vote for a resolution that presupposes it is OK to hurt the American economy. That is not the way to solve the problem.

I want us to start thinking not in terms of economic prosperity or environmental quality, I want us to think in terms of economic prosperity and environmental quality. It is not a question of more jobs or doing something about climate change. It is a question of more jobs and doing something about climate change.

Without prosperity, without growth, without the wealth that creates for the American people in their private lives, and also for the governments in this country—Federal, State, and local—we cannot defeat these environmental problems.

Most of them come down to a question of money. That is certainly the case in the State of Missouri. We have significant water quality issues. We need to do those problems. If we have funds, we have to have revenue; to have revenue, you have to have growth; and you are not going to have growth if you are passing resolutions saying it is OK to harm the American economy, providing it is not significant.

I know the sincerity of the Senator in offering this amendment and others who are going to vote for this, but I ask them to get out of this mindset: We can solve the global warming problem, but we will do it with prosperity, not without prosperity.

I thank the Senator from Oklahoma for yielding me whatever time remains on our side.

Mr. ALEXANDER. I want to voice my support for the sense of the Senate resolution on climate change offered by Senators DOMENICI, BINGAMAN, and myself. I believe that there is a problem, I wish to see it coming, and I believe that there will be a mandatory national program to reduce carbon emissions sooner or later. I will be prepared to vote for controls on this when it is clear how they will be implemented. For now, I support the market-based incentives approach to reducing carbon emissions proposed by Senator HAGEL and passed by the Senate yesterday. I do not expect us to be able in this Congress to put together a mandatory carbon reduction program, but I do expect to be working in hearings as soon as next month on this important issue.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 5 minutes 15 seconds remaining.

Mr. BINGAMAN. I yield that to my colleague from New Mexico, Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico, the chairman of the committee is recognized.

Mr. DOMENICI. Mr. President, first I remind everybody that 2 years ago the President of the United States gave a speech on this subject. It was a very lengthy speech, but there are two provisions, which I do not have in front of me—so forgive me, I am not quoting, I am just stating to the best of my recollection.

In the second part of the speech, which I want to mention, the President said that we should proceed to reduce carbon greenhouse gases by 18 percent through 2012 on a voluntary basis, and thereafter we should use incentives and other ways to accomplish further reduction.

First, I think that means the President of the United States is saying we should reduce carbon greenhouse gases. In fact, he, in a sense, is saying that is a good thing. In fact, he said recently I take a statement regarding this issue, and I choose this one. Some others would say we want to be purely voluntary, and they could put in a sense of the Senate that we will remove as much carbon as we can, as soon as we can use all voluntary means, and that is a sense of a bill. I would not be against that. I would say that is probably something good.

That is all I wanted to say. I thank the Senator for yielding me whatever time this is, I do not argue with him.

As a matter of fact, I think anybody who tries to start capping in any way one chooses to call capping early is mistaken because the States of America is doing many things with many dollars on many fronts to reduce greenhouse gases.

The question is, Do we do anything if we are unsuccessful in achieving some goals? I read what I read to help Senator BINGAMAN with, it says there is a problem. It says we ought to do something to reduce the problem, and it says precisely that “it is the sense of the Senate that Congress”—it does not even say when—that Congress should enact a comprehensive and effective national program of mandatory, market-based limits.” Then it says, “and incentives on emissions of greenhouse gases,” that do what? “... that shall stop, and reverse much of such emissions,” and then it says—these are the goals, the concerns—that it will not significantly harm the economy.

One could say you should not put “significantly” in there because is some OK? What does “significant” mean? I say it means what we want it to mean. It just says something. Should we put in “no more than one-half of 1 percent”? Then we would be providing what can be done. “Significantly” means to me something with which we can live and still have a very viable American growing economy but make some achievements in terms of diminution of carbon.

Then it says this will also encourage a comparable action by other nations that are trading partners of the United States. That is what we are trying to do.

Frankly, I know some will read more into this than is into and I understand. I am not critical of anybody. Everybody has views on this issue.

I also hope those who understand what we voted on a little while ago—I spoke in opposition to it—I think I understand it as well as anybody. It received 38 votes. I did not vote for it.

Likewise, I am on this amendment because it is making a statement with reference to this issue. I, frankly, believe the time has come for some of us to take a statement regarding this issue, and I choose this one. Some others would say we want to be purely voluntary, and they could put in a sense of the Senate that we will remove as much carbon as we can, as soon as we can use all voluntary means, and that is a sense of a bill. I would not be against that. I would say that is probably something good.

That is all I wanted to say. I thank the Senator for yielding me whatever time this is, I do not argue with him.

The PRESIDING OFFICER. The Senator from Oklahoma has expired. The Senator from Oklahoma has 2 minutes 38 seconds.
Mr. INHOFE. How much time remains?

The PRESIDING OFFICER. There is 2 minutes 38 seconds remaining.

Mr. INHOFE. Mr. President, this has been a good debate. I would like to have a unanimous consent debate of 3 hours as we talked on the McCain-Lieberman amendment on this amendment because it should be essentially the same thing. As I said before, it is not.

In this brief time, I only repeat what the National Academy of Sciences stated in their written report—not in any kind of press release but their written report:

. . . there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols. . . . a causal linkage between the buildup of greenhouse gases and the observed climate changes in the 20th century cannot be unequivocally established.

The Summary for Policymakers could give an impression that the science of global warming is settled, even though many uncertainties still remain.

That is the National Academy of Sciences.

Lastly, we are refuting not just if we adopt this resolution, which I think we will adopt because it is an easy vote for the yeas and nays, but if we adopt this resolution, we are adopting because it is an easy vote for the yeas and nays.

Mr. INHOFE. The following amendment is necessary:

Senators from Minnesota (Mr. COLEMAN) and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—44

Algeria

Mr. DORGAN

Aiken

Mr. CONRAD

Akaka

Mr. McCaIN

Allard

Dr. BINGSAMAN

Alexander

Mr. FEINGOLD

Bayh

Mr. KENNEDY

Biden

Mr. GREGG

Bingaman

Mr. HARKIN

Bonham

Mr. INSLEE

Burns

Mr. INOUYE

Brownback

Mr. JEFFORDS

Bunning

Mr. JORDAN

Burris

Mr. JUDD

Burr

Mr. JUDD

Chambliss

Mr. JOHNSON

Coburn

Mr. KYL

Corzine

Mr. LIEBERMAN

Cruz

Mr. LIEBERMAN

Crapo

Mr. MCCONNELL

NOT VOTING—3

Coleman

Mr. CONRAD

Conrad

Mr. DORGAN

The motion was rejected. Mr. DOMENICI. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, on rollcall No. 149 I voted "nay" but intended to vote "yea." I ask unanimous consent that my vote be changed, as it will not affect the outcome.

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

The foregoing tally has been changed to reflect the above (yea). The PRESIDING OFFICER. The question is on agreeing to amendment No. 866, as modified.

The amendment (No. 866), as modified, was agreed to.

The amendment (No. 866), as modified, was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

The motion to lay on the table was agreed to.

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

The motion to lay on the table was so ordered.

Mr. DOMENICI. On behalf of the leader, I wish to read a unanimous consent request regarding the lineup that we will follow accordingly.

Mr. BINGAMAN. Mr. President, before my colleague reads that, I ask unanimous consent that Senator COLINS be added as an original cosponsor of the amendment we just agreed to.

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

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following amendments: Senator ALEXANDER’s amendment, which is at the desk and relates to wind, 30 minutes equally divided in the usual form; second, Senator KERRY’s amendment, sense of the Senate on climate change, 30 minutes equally divided in the usual form.

I further ask unanimous consent that there be no second-degree amendments in order to the ALEXANDER or KERRY amendments prior to the votes in relation to those amendments and that votes in relation to those amendments occur in a stacked fashion following the debate on both amendments.

Finally, I ask unanimous consent that following those votes, Senator WARNER be recognized in order to offer an amendment relating to OCS, with his part of the agreement subject to the approval of both leaders; further, that Senator DURBIN be recognized for 15 minutes prior to Senator FRIZZI and I making a decision on whether it should come up tonight.

Mr. WARNER. Reserving the right to object, I think this is just for note for the record, so there is no confusion, the reason we are concerned about the Warner amendment is we want to make sure that the Parliamentarian has a chance to look at the amendment prior to Senator Frizzi and I making a decision on whether it should come up tonight.

Mr. BAUCUS. Mr. President, on rollcall No. 149 I voted "nay" but intended to vote "yea." I ask unanimous consent that my vote be changed, as it will not affect the outcome.

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

The foregoing tally has been changed to reflect the above (yea).
Mr. NELSON of Florida. And further questioning of the Democratic leader, I think Senator WARNER said two people, two Senators could speak.

Mr. REID. Two, you and me or you and Senator CORZINE.

Mr. NELSON of Florida. All right.

Mr. REID. And it is regardless of the Parliamentarian making a decision as to what he said.

Mr. CORZINE. Reserving the right to object, I would like to hear the last statement by the distinguished Senator from Nevada. Did you say that regardless of the Parliamentarian’s judgment, it will be withdrawn?

Mr. REID. He will withdraw the amendment.

Mr. CORZINE. Withdraw, precloture and postcloture?

Mr. REID. Senator WARNER does not play games.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts?

Mr. KERRY. Is the vote up or down?

Mr. WARNER. Mr. President, would the Chair recite the request now as it relates to the section pertinent to the Senator from Virginia? I say to my colleagues, if you would be willing to each speak the 15 minutes each for the Senators from Florida and New Jersey in opposition, then I will move to strike the amendment.

Mr. DOMENICI. There is another Senator who wants to be recognized.

Mr. WARNER. All Senators who want to speak no more than 5 minutes on this matter.

Mr. MARTINEZ. If I may be recognized, I would like to speak for 5 minutes in opposition.

Mr. WARNER. All right. That is sufficient.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. KERRY. Reserving the right to object, I asked a question. Is the vote up or down?

Mr. REID. Votes in relation to your amendment. It could be some other motion, but we will get a vote on or in relation to your amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request as modified by Senator WARNER?

Mr. CORZINE. Mr. President, I wish to say that I have nothing but the highest respect for the Senator from Virginia, and I fully appreciate that he is acting absolutely in good faith. I would like to hear what the unanimous consent does and what it does not do.

Mr. MARTINEZ. If I may be recognized, I would like to speak for 5 minutes in opposition.

Mr. WARNER. All right. That is sufficient.

The PRESIDING OFFICER. Is there objection to the unanimous consent request as modified by Senator WARNER?

Mr. CORZINE. Mr. President, I wish to say that I have nothing but the highest respect for the Senator from Virginia, and I fully appreciate that he is acting absolutely in good faith. I would like to hear what the unanimous consent is we are agreeing to so that once and for all, it is clear.

Mr. WARNER. Mr. President, I would also like 5 minutes for the distinguished Senator from Tennessee in favor of the amendment.

The PRESIDING OFFICER. With respect to the Warner amendment, there will be 5 minutes for Senator WARNER, 5 minutes for Senator NELSON, 5 minutes for Senator CORZINE, and 5 minutes for Senator MARTINEZ, after which he will withdraw the amendment.

Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair and Senator WARNER and all others who participated.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, would you advise me when I have consumed 7 minutes?

The PRESIDING OFFICER. We will, Mr. ALEXANDER. Do I understand I have 15 minutes?

The PRESIDING OFFICER. The Senator is correct. The Senator has 15 minutes.

Amendment No. 963

Mr. ALEXANDER. Mr. President, today I am offering an amendment to protect our most scenic areas from unintended impacts by oversized wind turbines or windmills. I offer an amendment that is sponsored also by a number of other Senators, including Senators MCCAIN, ALLEN, VOINOVICH, BROWNBACK, BYRD, and Bunning, and that is also supported by the National Parks Conservation Association.

Let me begin by saying exactly what the amendment does and what it does not do.

No. 1, what the amendment says is no Federal subsidies for wind projects within 20 miles of most national parks, national military parks, national seashores, national lakeshores, or certain other highly scenic sites. We are talking about the Redwood National Parks in California, the Sequoia National Park, Yosemite National Park. We are talking about Mesa Verde in Colorado, Rocky Mountain National Park, Biscayne National Park in Florida, Yellowstone in Idaho, Acadia in Maine, Cape Cod in Massachusetts, Yellowstone in Montana, and Glacier. These are our national treasures. What we are asking is the taxpayers will not subsidize the building of these giant windmills within the view of these parks.

Second, there will be an environmental impact statement for any wind project within 20 miles of those sites.

Third, any community will have six months’ notice before a wind project can be permitted.

Here is what the amendment does not do. It does not prohibit the building of any project. It does not affect any wind project already receiving subsidies. It does not give the Federal Energy Regulatory Commission any new authority. And it does not interfere with any private property right.

Why is this a concern? Here is the reason in a nutshell. The Federal Government, over the next 5 years, will spend $2 billion and, if we follow the recommendations of the Finance Committee, $3.5 billion subsidizing the building of giant windmills. These are not your grandmother’s windmills. They are very large. There is one picture of it. Here is another one. This is just off Denmark, stretches over 2 miles. Here is an example. These are people up here on this turbine housing. One way we think of them in Tennessee, in describing them is that you can fit just one into the University of Tennessee football stadium. It is the third largest stadium in the country. It is twice as high as the skyboxes, and its rotor blades would go from the 10-yard line to the 10-yard line.

My concern is not that there should never be any of these. I hope that we are, through Federal policy, changing our landscape, and we need to think about it now while we still can. All of the estimates are that the billions of dollars in subsidies we are spending will increase the number of these gigantic wind turbines from 6,700 today to 40-, 50-, or 60,000 over the next 10 or 15 years.

Here is what the National Parks Conservation Association has to say: Wind power is an important alternative energy. It deserves to be determined and promoted in areas where appropriate. At the same time, the principle that some of America’s most special places could be adversely impacted by associated development is important to acknowledge and address.

The Environmentally Responsible Wind Power Act of 2005 helps elevate the importance of this principle and ensures the protection of these places.

What subsidies are we talking about? I just mentioned the $2 billion. It is $1.5 billion more that is coming. We passed a renewable portfolio standard in the Senate. That is an additional subsidy. This is a brand new matter for most local governments to consider. It is causing consternation in cities from Kansas to Wisconsin to Vermont to Virginia where rural areas, many of them without land use planning, many of them without any expectation of this, suddenly find that in the most scenic areas we have up go these massive, gigantic towers, and they are hard to take down.

Twenty years ago, when I was Governor of Tennessee, I passed a scenic parkway program. We took 10,000 miles of scenic parkways and we banned new billboards, new junkyards. No one thought much about it then. Everybody is enormously grateful today because these things will never come down unless they blow down, and when they blow down, the neighbors are not going to pick them up. So if we fail to do something now, to put some sort of disincentive to damage the viewcape of our most scenic areas, we will never be able to change that. In the State of Tennessee, we only have 29 of these miles up by the Tennessee Valley Authority, but they are there for 20 years, and you can see the red flashing lights from 20 miles away on a clear night.

There are other times in our debate on energy. I will be talking about the relative value of wind power. I am a skeptic, I will admit. You could string a swath of these gigantic windmills from...
Los Angeles to San Francisco, and you would produce about the same amount of power that one or two powerplants would, and you would still need the powerplant because most people like to have their electricity even when the wind is not blowing and you can’t store the electricity. I understand that we are spending $2 billion, $3 billion—is an enormous amount, and I think most colleagues are not aware of what we are doing with it. Once you put these windmills up, you have to build electric transmission lines through neighborhoods and back yards to carry it to some distant place. That is a debate for another day.

The fact of the matter is that we are spending billions of new dollars for gigantic windmills. What I would like for us to do in the Senate is recognize our responsibility to the American landscape and say at least we are not going to subsidize putting these windmills in between us, our grandchildren, and children’s view of the Canyon of the Colorado, the Canyon of the Smoky Mountain National Park or Cape Cod. I would think windmill advocates would want to do that.

This is a big country, a place where people can find plenty of places to put up gigantic windmills other than between us and our magnificent views. I don’t think I need to spend much time. I will take 1 more minute, and I will go to the Senator from Virginia for 3 minutes.

Teddy Roosevelt said:

There can be nothing in this world more beautiful than the Yosemite National Park’s groves of the sequoias and redwoods, the Canyon of the Colorado, the Canyon of the Yellowstone, and the Canyon of the Three Tetons.

We don’t drive down to the Smokies, out to the Tetons or to see the Grand Canyon to see a view like that. Put them where they belong. Let’s not subsidize putting them in between us and our magnificent views. Should not my State, having taken the risk of allowing these things to go offshore, get some revenue? I think they should. Right now, it is free and open and, should they generate a profit, all of it goes into the corporate structure; not a nickel goes into the State. Mr. President, I thank my colleague for allowing me to join with him on this amendment.

The PRESIDING OFFICER. The Senator from Tennessee has 3 minutes 40 seconds.

Mr. ALEXANDER. I yield 2 minutes to the Senator from Kansas.

Mr. BROWNBACK. Mr. President, we have had a big debate about this in Kansas. We embrace wind power, wind generation. We will be a major benefactor and producer of wind energy. In the middle of the State, we have a really a large area of tallgrass prairie that remains in the United States. Over 90 percent is in a swathe between Kansas and Oklahoma. What we are asking and are part of in this bill is that those areas that are protected within the Flint Hills Refuge, the Tallgrass Prairie Preserve, and the Konza Prairie be within the designation areas that don’t get the tax credits for the wind energy and the 20-mile radius around. That is responsible.

These are very key areas, and the impact on the viewscape around it is significant and important. That is why I am pleased to be part of and I support this amendment that my colleague from Tennessee has put forward. This is a responsible way to do it. We need to embrace wind power and generation but not in environmentally sensitive areas. This is a responsible way to do it. I am glad to support this amendment.

I yield the floor.

Mr. ALEXANDER. Mr. President, I ask the Senator from New Mexico if I may reserve my remaining time for just before the vote, and he also has a minute at that time. I ask unanimous consent to do that.

Mr. BINGAMAN. As I understand the request, the Senator would like us to go ahead with the argument in opposition.

Mr. ALEXANDER. Yes, and before the vote we would each have a minute. Mr. WARNER. Reserving the right to object. I think you would need 3 minutes for this.

The PRESIDING OFFICER. The Senator from Tennessee has the right to reserve that time.

Mr. BINGAMAN. I am glad to agree to whatever unanimous consent the Senator from Tennessee believes is appropriate once we conclude our debate.

The PRESIDING OFFICER. Would all Senators suspend to give us an opportunity to report the amendment.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER, for himself], Mr. BROWNBACK, Mr. BURR, and Mr. Voinovich, Mr. Brownback, Mr. BURR, and Mr. Bunning, proposes an amendment numbered 961.

The amendment is as follows:

(Purpose: To provide for local control of the siting of windmills)

SEC. 1270A. LOCAL CONTROL FOR SITING OF WINDMILLS.

(a) LOCAL NOTIFICATION.

(1) In this section, the term ‘‘Local Authorities on the day of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(2) Applicant shall notify in writing the Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(3) The Federal Energy Regulatory Commission shall notify in writing the Local Authorities within 10 days of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(b) LOCAL NOTIFICATION PROCESS.—

(1) In this section, the term ‘‘Local Authorities’’ means the governing body, and the senior executive of the body, at the low-
(4) The Federal Energy Regulatory Commission shall not issue to the project Market-Based Rate Authority, Exempt Wholesale Generator Status, or Qualified Facility rate schedule, until 180 days after the date on which the Federal Energy Regulatory Commission notifies the Local Authorities under paragraph (3).

(5) Such environmental impact statement shall be conducted prior to the Federal Energy Regulatory Commission issuing to a Qualified Wind Project its Exempt-Wholesale Generator Status, or Qualified Facility rate schedule.

(6) A Qualified Wind Project shall not be the first time, if this amendment is adopted, that the Congress has put in law a provision that essentially recognizes the significance of World Heritage sites designated by the United Nations Educational, Scientific, and Cultural Organization.

(c) HIGHLY SCENIC AREA AND FEDERAL LANDS:

(1)(A) A Highly Scenic Area is—

(I) any area listed as an official United Nations Educational, Scientific, and Cultural Organization World Heritage Site, as supported by the Department of the Interior, the National Park Service, and the International Council of Monuments and Sites;

(ii) land designated as a National Park;

(iii) a National Lakeshore;

(iv) a National Seashore;

(v) a National Wildlife Refuge that is adjacent to an ocean;

(vi) a National Military Park;

(vii) the Flint Hills National Wildlife Reserve;

(viii) the Tallgrass Prairie National Preserve;

(ix) White Mountains National Forest;

(x) the Flint Hills Tallgrass Prairie Preserve or the Konza Prairie in the State of Kansas.

(B) The term “Highly Scenic Area” does not include—

(i) the Pueblo de Taos World Heritage Area;

(ii) any coastal wildlife refuge located in the State of Louisiana;

(iii) any area in the State of Alaska.

(2) A Qualified Wind Project is any wind-turbine project located—

(A) in a Highly Scenic Area; or

(B) within 20 miles of the boundaries of an area described in subparagraph (A), (B), (C), (D), or (F) of paragraph (1); or

(C) off the coast of a National Wildlife Refuge that is adjacent to an ocean.

(3) Prior to the Federal Energy Regulatory Commission issuing to a Qualified Wind Project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, an environmental impact statement shall be conducted and completed by the lead agency in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). If no lead agency is available, the lead agency shall be the Department of the Interior.

(4) The environmental impact statement determination shall be issued within 12 months of the date of application.

(5) Such environmental impact statement review shall include a cumulative impacts analysis addressing visual impacts and avian mortality analysis of a Qualified Wind Project.

(6) A Qualified Wind Project shall not be eligible for any Federal tax subsidy.

(7) EFFECT OF SECTION.—Nothing in this section shall apply to a project that, as of the date of enactment of this Act—

(A) is generating energy; or

(B) has been issued a permit by the Federal Energy Regulatory Commission.

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

Mr. BINGAMAN. Mr. President, I reluctantly rise to speak against this amendment. I do so for some very basic and sound reasons. I will just mention a few of them.

No. 1, this amendment moves in the exact opposite direction of the legislation that is before us. I have been working with Senators DOMENICI and ALLEN on the committee to develop a piece of legislation that would provide for the energy future of the country, would encourage domestic development of energy from all sources, available sources. We are encouraging development of clean coal, natural gas, nuclear power, oil resources, hydrogen technology, renewable fuels, electricity; and in each case, we have tried to simplify the process that a person or applicant has to go through in order to develop these resources and meet the needs of the country, as we see them.

We have also put incentives in this bill so as to further the development of these resources. This amendment, with regard to wind, is just the opposite of that. It raises obstacles, and it says that we are going to make it more and more difficult for people to proceed with development of wind power projects. How does it do that? It goes through and it says we are going to, first of all, make a list of what we call highly scenic areas. Highly scenic areas are fairly broadly defined; they are any area listed as an official United Nations educational, scientific, cultural, or heritage site, as supported by the Department of the Interior, National Park Service, and International Council of Monuments and Sites. Any lands designated as a national park, national lakeshore, national seashore, national wildlife refuge, national military park, Flint Hills—It goes on and on. It says if you are a highly scenic area, then a so-called qualified wind project, which is any wind turbine project located in a highly scenic area or within 20 miles of the boundary of any of these things, I have listed here—and it says over here a qualified wind project shall not be eligible for any Federal tax subsidy. That essentially says there are not going to be wind power projects constructed in any of these locations. I think if we have ever had a proposal that is a one-size-fits-all proposal, this is that. There are a great many of these sites. I point out, also, by way of just a historical note, I think this will be the first time, if this amendment is adopted, that the Congress has put in law a provision that essentially recognizes the significance of World Heritage sites designated by the United Nations. I remember debates on the floor in recent years where people objected to the whole notion that U.N. World Heritage sites were going to get some kind of special protection. In this amendment, we are saying they get special protection. We are not going to allow the construction of one of these wind projects within 20 miles of them.

To my mind, there are undoubtedly areas in this country where we don’t want windmills. I agree. But I think that needs to be a decision that is made on the basis of the local circumstances, on the basis of the geography of the area, and I think what we are trying to do here is sort of pass a very broad prohibition against getting tax benefits. If you want to build a site within 20 miles of these things, then you are out of luck, as far as any Federal tax support. I think that is contrary to the whole thrust of the legislation. I think it is contrary to good sense. In my own State of New Mexico, we have several sites that are listed. I have a list that the Senator from Tennessee has been kind enough to give me called, “Scenic Sites that are Protected by this Legislation.” When you go down the list, in my State, you can see Carlsbad Caverns National Park. Well, I could conceive of the people in Carlsbad, NM, wanting a wind farm, a wind project within 20 miles of Carlsbad Caverns National Park. I can conceive of there being an area within that 20-mile radius that would be inappropriate for a site. I don’t know that that is the case, but I would hate to legislate a prohibition against it. The same with Chaco Culture National Historic Park and with Carlsbad Caverns National Park and the Pueblo de Taos, which has been exempted. I appreciate that.

The Senator from Tennessee—I mentioned to him there may be a desire on the part of people in the Taos area in my State to go ahead and have a wind project. I need to be able to pass a prohibition against that—a prohibition on any Federal tax support in that circumstance. Each Senator can look at the list and see whether they want to do this to their home State. I think if people will look at this list carefully and get on the telephone and call back to their States, they may find this is not something they wholeheartedly embrace.

The Senator from Idaho, Senator CRAIG, has asked for 5 minutes. I yield him 5 minutes.

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

Mr. CRAIG. Mr. President, I thank the Senator from New Mexico for yielding me 5 minutes.

I do not stand up and speak against the Senator from Tennessee and the work he has done in this area lightly. I understand the process. I also understand that energy infrastructure is always sensitive. It is never quite near to where you want it to be, and it is always where you do not want it to be.

The Senator from New Mexico has spoken very clearly on this issue. There will be no windmills built off Cape Cod. Why? Because it is being killed by the people of Massachusetts in the processes that are available now. There will be no windmills near Yelowstone or the Grand Canyon or in...
scene areas today. Why? Because the process recognizes it now. Whether it is local or whether it is national, try to get a windmill farm sited on Federal properties and you will find it nearly impossible anywhere because the moment one is suggested, the land either becomes protected because of antiquities or unique because it has some kind of holiness to a native group. That has gone on and on.

No one today in the wind farm business approaches siting windmills without an initial licensing step in which a request is made to the bureau, the bureau already looks for antiquities or unique because it has some kind of holiness to a native group. That has gone on and on.

What we are suggesting with this amendment is not here, not there, not over here, and certainly not in my backyard, whoa, stop, back up, and let's look at it. That is what is being said by this legislation.

Yet this Nation, through the under-lying bill, is rushing to get more energy except step back, take a deep breath and say: Not here, please, or not over there.

Caution is abounding. More wind farms are not being sited today by opposition of the public than are being sited. The Senator from Kansas talks about the tall grass prairie. There is a major battle going on in Kansas to stop it now, and it appears it will succeed.

I stood on the floor of the Senate the other day and spoke of public group after public group that is opposing siting, and they are using State law, as appropriate in this instance, to stop siting. So I do not believe this legislation is necessary.

Here we are encouraging the business of clean energy. Both the Senator from Tennessee and I are very interested in clean energy. I even agree with him that we may be overpromoting wind, but now we are standing up another trippwire and saying: No, there are going to be all kinds of new qualifications.

If you are a private property owner and you are within a 20-mile zone of this particular scenic area that is prescribed in this legislation, forget your private property rights—gone. And yet in most areas, that is the only place they are getting sited today.

Look at the wind troughs on the national maps and where they are on the Rocky Mountain front. Nearly every area is in the wind. If it is not here now, if this legislation passes, it will rapidly become scenic for the very simple reason that once they see these 320-foot, tip-to-tip windmills—they are awfully hard to sit anywhere—but we are creating and standing up a new Federal requirement and Federal restrictions over a State process that appears at this moment to be quite thorough. That is why I oppose it. I think it is unnecessary.

We are on the business of advancing the cause of energy of all kinds—clean coal, wind, photovoltaic, nuclear. We are even improving the existence of current hydro. We are doing all of those things, and we are asking our States to be partners. But here the heavy hand of Government—the Federal Government—comes in. I think it is inappropriate. I do not think it is necessary. I think the process is working quite well. It is working, except for the trips to the bureau, the bureau already looks for antiquities or unique because it has some kind of holiness to a native group.

In a State such as mine where wind farms are being looked at now, our companies are approaching it very carefully and, in many instances—and it is nearly only Federal land on which you can get them sited—it is almost impossible to site on Federal land.

Why? Because of the Environmental Policy Act, because of all the processes and safeguards we have already put in place. Therefore, I do believe this legislation is unnecessary. I think it is overkill.

I do not think we need to do it. We already have a very thorough, open, public process between our Federal Government as it relates to the National Environmental Protection Act, and State governments as it relates to their zoning requirements and/or the regulatory process they put sitting through, through the utilities commission. I think that is adequate and necessary.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. Who yields time, Mr. Senator from New Mexico has 3 minutes.

Mr. BINGAMAN. Mr. President, let me speak for 30 seconds, and then I will yield to my good friend from Iowa, Senator HARKIN.

I do think, as the Senator from Idaho pointed out, that this does raise a very substantial obstacle to the construction of wind projects in a great many areas of the country about which we are somewhat uncertain. As I say, in my State I can conceive of areas near these scenic locations that would be appropriate for consideration as wind projects. I do think there is ample opportunity for local communities to object. There is ample opportunity for States to object.

My experience is the burden is on the applicant to persuade all of the local government and all of the State government entities that have some claim on this.

The PRESIDING OFFICER. The Senator has 1½ minutes remaining.

Mr. BINGAMAN. Mr. President, I yield the remainder of my time to the Senator from Iowa.

Mr. HARKIN. Mr. President, how much time is left?

The PRESIDING OFFICER. There is 1 minute 28 seconds remaining.

Mr. HARKIN. Mr. President, I rise in opposition to the Alexander-Warner amendment. Again this amendment proposes to usurp local control. I find it hard to believe that those who argue States rights at the same time want to impose additional Federal regulations over local, county, and State jurisdictions.

This amendment is simply an assault on the continued development of wind energy. It singles out wind for additional scrutiny. If the sponsors are so concerned about protecting our scenic areas, shouldn't this amendment be applied to all technologies?

Some may say these turbines are unsightly. The Senator from Tennessee may believe they are unattractive. But many others believe them to be visually attractive as they drive down the highway.

I just recently drove through Oklahoma and saw all these wind turbines over the prairies of Oklahoma, and they look beautiful spinning in the wind with no pollution, providing electricity for our homes, our schools, and our factories. Yet they are unattractive? Come on, give me a break.

This is a pathway to our energy independence. More wind energy—we can put them up in Iowa. If the Senator from Virginia does not want them in Virginia, we will put them in Iowa. We will put them in North Dakota, South Dakota, and we will be glad to ship the electricity we are making from the force of the wind.

I urge my colleagues to turn down this ill-considered amendment.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Tennessee has 2 minutes remaining.

Mr. ALEXANDER. Mr. President, I reserve the remainder of my time until just before the vote.

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

Mr. BINGAMAN. Mr. President, can we make a unanimous consent request that the Senator will have his 2 minutes now, and in addition to that, we will have 2 minutes equally divided before the vote?

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. I have no objection, Mr. President.

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

Mr. ALEXANDER. Mr. President, this gives me a chance to clear up a couple of points.

I say to my friend from New Mexico, the United Nations isn't picking any of these sites. We picked 20 of these sites in the United States that we recommended to the world be designated as heritage sites.

Here is what we are talking about. We are taking billions of tax dollars—that is a debate for another amendment—billions of tax dollars, $200,000 per windmill. We should all resign the Senate and get in the windmill business. My friends on the other side say we are subsidizing the building of these windmills between us and the Grand Canyon, between us and Cape Cod, between us and the Smoky Mountains, between us and the Glacier National Park.

Ansel Adams and John Muir would be rolling over in their graves at the idea of these destroying the American landscape in this wholesale fashion. If we had a level playing field and we had no Federal Government involvement, that would
be another thing, but we are putting billions of dollars out there to do this. In the Eastern United States, they only fit in areas where there are scenic ridges. That is the Tennessee Gorge, the Shenandoah Valley, the foothills of the Great Smoky Mountains, and it would be said we should use taxpayer dollars to encourage that. This says no in the most highly treasured areas we have. It is sponsored by the National Parks Conservation Association. I would think every conservation group in America would be for this. I would think every wind developer would say, of course, we are not going to put wind there.

It prohibits nothing. It interferes with no private property right. It just says we are not going to spend taxpayer dollars putting gigantic steel towers between us and our view of the Statue of Liberty and the Grand Canyon. I would think that ought to be a vote of 100 to 0.

Mr. KERRY. Mr. President, I call up amendment No. 844.

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

Under the previous order, the Senator from Massachusetts is recognized to call up an amendment where he is to be recognized for 30 minutes, equally divided, for 15 minutes each side.

AMENDMENT NO. 844

Mr. KERRY. Mr. President, I call up amendment No. 844. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk reads as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. BIDEN, Mrs. FRANKEN, and Mrs. SNOWE, proposes an amendment numbered 844:

Mr. KERRY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Pursuant to the measure of the Senate regarding the need for the United States to address global climate change through comprehensive and cost-effective national measures, including the negotiation of fair and binding international commitments under the United Nations Framework Convention on Climate Change:

On page 768, after line 20, add the following:

TITLE XV—CLIMATE CHANGE

SEC. 1501. SENSE OF SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds that—

(1) there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate;

(2) there are significant long-term risks to the economy, the environment, and the security of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations;

(3) the United States, as the largest economy in the world, is currently the largest greenhouse gas emitter;

(4) the greenhouse gas emissions of the United States are projected to continue to rise;

(5) the greenhouse gas emissions of developing countries are rapidly changing the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries;

(6) reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other practices, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases;

(7) the development and sale of such technologies in the United States and internationally presents significant economic opportunities for workers and businesses in the United States;

(8) such technologies can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure;

(9) other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provide industries in those countries with a competitive advantage in the growing global market for such technologies;

(10) efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of the developing countries would establish significant markets for such technologies and contribute to international efforts to address climate change;

(11) the United States is a party to the United Nations Framework Convention on Climate Change adopted in May 1992, and entered into force in 1994 (referred to in this section as the “Convention”);

(12) the Convention sets a long-term objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

(13) the Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilization of greenhouse gas concentrations:

(14) the Kyoto Protocol was entered into force on February 16, 2005, but the United States is not, nor is likely to be, a party to the Protocol;

(15) the parties to the Kyoto Protocol will begin discussion in 2005 about possible future agreements;

(16) an effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, whether developed or developing, and the widely varying circumstances of developed and developing countries may require that such commitments and action vary; and

(17) the United States has the capability to lead the effort against global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should act to reduce the health, environmental, and economic risks posed by global climate change and foster sustained economic growth through a new generation of technologies by—

(1) participating in international negotiations under the Convention with the objective of securing United States participation in fair and binding agreements that (A) advance and protect the economic interests of the United States; (B) establish mitigation commitments by all countries that are major emitters of greenhouse gases; (C) ensure that the advice and consent of the Senate is exercised in a manner to facilitate timely consideration of any future applicable treaty submitted to the Senate;

Mr. KERRY. Mr. President, I ask unanimous consent that Senator SNOWE be added as a cosponsor.

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

Mr. KERRY. Mr. President, I yield myself 7 minutes.

I will explain very quickly what this amendment does. We just voted a few moments ago a sense of the Senate that we should take mandatory action against climate change. Mr. Snowe and I have long held that view.

Mr. Snowe and I have long held that view.

The whole purpose of this is to get the United States of America engaged in an international process that will get all nations simultaneously working toward the same goal. Let me remind my colleagues we have heard some questions about the science raised over the course of the last hours. Just yesterday the scientific evidence on climate change was addressed by the G8 scientific panels, all the panels of the G8, including our own National Academies of Sciences. All of these science academies of the G8 nations said that the evidence on climate change is now clear enough for the leaders of G8 to commit to take prompt action to reduce emissions of greenhouse gases.

The United States is not, nor is likely to be, a party to the Protocol;
I ask unanimous consent that this statement from the G8 science academicians be printed in the Record.

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

CLEAR SCIENCE DEMANDS PROMPT ACTION ON CLIMATE CHANGE

The scientific evidence on climate change is now clear enough for the leaders of G8 to commit to take prompt action to reduce emissions of greenhouse gases, according to an unprecedented joint statement published today (Tuesday 7 June 2005) by the science academies of the G8 nations.

The statement is published by the Royal Society—the UK national academy of science—and the other G8 science academies of France, Russia, Germany, U.S. Japan, Italy and Canada, along with those of Brazil, China and India. It has been issued ahead of the G8 summit in Gleneagles, Scotland.

The statement calls on the G8 nations to:  
Identify cost-effective steps that can be taken now to contribute to substantial and long-term reductions in net global greenhouse gas emissions.

And to, “recognize that delayed action will increase the risk of adverse environmental effects and will likely incur a greater cost.”

Lord May of Oxford, President of the Royal Society, said that working together, including the G8, can no longer use uncertainty about aspects of climate change as an excuse for not taking urgent action to cut greenhouse gas emissions.

“Significantly, along with the science academies of the G8 nations, this statement’s signatories include Brazil, China and India, which are among the largest emitters of greenhouse gases in the developing world. It is clear that developed countries must lead the way in cutting emissions, but developing countries must also contribute to the global effort to achieve overall cuts in emissions.

The scientific evidence forcefully points to a need for a truly international effort. Make no mistake we have to act now. And the longer we procrastinate, the more difficult the task of tackling climate change becomes.

Lord May continued: “The current U.S. policy on climate change is misguided. The Bush administration has consistently refused to accept the advice of the U.S. National Academy of Sciences (NAS). The NAS concluded in 1992 that, ‘Despite the great uncertainties, greenhouse warming is a potential threat sufficient to justify action now’.

By reducing greenhouse gas emissions, getting the U.S. onboard is critical because of the sheer amount of greenhouse gas emissions they are responsible for. For example, the Royal Society calculated that the 13 percent rise in greenhouse gas emissions from the U.S. between 1990 and 2002 is already bigger than the overall cut achieved if all the other G8 nations combined succeeded in meeting their targets.

President Bush has an opportunity at Gleneagles to signal that his administration will no longer ignore the scientific advice and act to cut emissions.

On the U.K.’s efforts on climate change, Lord May said: “We welcome the fact that Tony Blair has made climate change a focus for the G8 this year. Indeed, the U.K. government must do much more in terms of its own domestic policy if it is to turn its ambitions to be a world leader on climate change into reality.

While the U.K. has managed to reduce its emissions of carbon dioxide, most of the cuts have been at most accidental rather than the result of climate change policy. Indeed, its emissions actually increased by over 2 percent in 2002—2003. Clearly the U.K. must take some tough political decisions about how it manages our ever-growing demand for energy at a time when it’s vital that we cut our emissions of greenhouse gases.

“The G8 summit is an unprecedented moment in human history. Our leaders face a stark choice—act now to tackle climate change or face the high price of their inaction. Never before have we faced such a global threat. And if we do not begin effective action now it will be much harder to stop the runaway train as it continues to gather momentum.

“The statement also warns that changes in climate are now so severe that further changes are unavoidable and that, “nations must prepare for them.” In particular it calls for the G8 countries to work with developing nations to develop their own innovative solutions to lessen and adapt to the adverse effects of climate change.

Lord Mayor said: “We, the industrialized nations, have an obligation to help developing nations to develop their own solutions to the threats they face from climate change.”

Mr. KERRY. I emphasize to my colleagues, this sense of the Senate is not about Kyoto. It is not asking us to get involved in Kyoto. In fact, the diplomatic issue is no longer Kyoto yes or no. The world understands that we need to move beyond Kyoto. Kyoto is limited in time and in participation. Many of us, myself included, objected to that flaw in Kyoto because it left out many nations. We need to see that Kyoto, however, as a foundation for global cooperation with the principles of binding targets and emissions trading can serve as a blueprint for how to reduce those emissions. Other nations are ready to start a dialogue about the future.

Prime Minister Blair is capitalizing on his chairmanship of the G8 to press for broad cooperative action, but the United States alone stands silent and apart from this process. That has to stop. We cannot wait for Kyoto to expire in order to consider the next steps. We need to evaluate options now. We need to signal to the world that we are prepared to shoulder our fair share of the burden of dealing with this problem, and we also want to signal to the world the extra ambition that all of us can avoid the potential downside of what scientists tell us is coming our way.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield such time as he may consume to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will not take a great deal of time, but I want to visit this issue in the context that it has just been presented by our colleague from Massachusetts. First, I think it is awfully important to understand that G8 leaders 13 years ago accepted the scientific evidence that pollution is altering the composition of the atmosphere, and they set a voluntary goal to prevent dangerous anthropogenic interference with the climate system. In other words, 13 years ago we as a country recognized, under President George Herbert Walker Bush, that climate change is a global problem in need of a global solution. We defined a global goal. We set a path for future negotiations. It was a small step, but it was a first step and it was progress.

Regrettably, after that, going to the year 2000 when President Bush took office, he had any number of options in front of him. He could have used the bully pulpit to push for greater participation from the largest emitters in the world. He could have focused on targets beyond 2012. He could have reached out to less developed countries and offered technical assistance and technology. He might have pushed for a more robust trading program or greater technological transfer, but he took a decidedly different tack contrary to the science. He flatly rejected the active approach of the prior administration and in many ways did the incremental approach, voluntary approach, of his own father. Instead, in the months after taking office, the President questioned the underlying science. He broke a campaign promise to cap carbon emissions from power plants. He rebuked his EPA chief for positive comments about Kyoto. He proposed an energy plan that would increase pollution, and he withdrew from the protocol and the international process altogether.

If the Senate is prepared, as we just were, to embrace domestic efforts, at least in principle, we need to embrace the larger effort to reach out to the world and create a global approach so that all of us can avoid the potential downside of what scientists tell us is coming our way.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?
one reads that and sees that the G8 academies are all standing together, including ours, one would say, wow, that is a powerful statement. What I am terribly afraid has happened is that good academicians and scientists have in some way been co-opted and in this case, they veered.

Let me explain what I am talking about. It is terribly frustrating for me—and I trust it is for the Senator from Massachusetts—to see a group of scientists say one thing at one time and something else a little later.

After that statement came out, I asked Bruce Alberts, the president of our National Academy of Sciences, what was meant by this statement. In his reply to me, here is what he said:

The press release is not an accurate characterization of the eleven academies’ statement, and it is not an accurate characterization of our 1992 report. I have enclosed a copy of the letter that I sent yesterday to Dr. May, President of the Royal Society [who is pushing this initiative right now because—cause, obviously, Prime Minister Blair is the chairman of the G8], expressing my displeasure with their press release.

Here is what President May said in return to our own president of our own National Academy of Sciences:

He did read what you said and he said what you have written and we've chosen to interpret it differently.

Stop and think about that. Are scientists at the National Academy of Sciences, who we rely on, who we think have done credible work and are advancing and building the science on climate change from the 1992 report to the path forward and beyond, recognizing there is an increase in temperature and saying there may be a direct relationship between that temperature rise and greenhouse gases? No, the collective academies jump to a different conclusion. And then the Royal Academy suggests that, well, we just do not interpret it the way you interpret your own work. It is one scientist saying something, not what you have said than what you have said.

Here is exactly what Dr. Robert May, head of the Royal Academy, said:

Given the very clear recommendations that your 1992 report contains for reducing greenhouse gas emissions, I fail to see how you could make the accusation that our press release misrepresents its contents.

Already there is a fight within the academies. Why? Because it was such a unique kind, by the political cause of climate change.

What is the reality? Getting back to 1990 levels. Great Britain isn’t there and can’t get there now, and they are having to ask for greater credits. Italy, in particular, is doing the same thing this winter. Told me that because they had shut down a nuclear reactor, they were no longer 3 percent toward compliance, they were 12 percent away. Japan, at the time they ratified Kyoto, I believe was like 5 percent or 6 percent away from meeting 1990 standards. Now they are 13 or 14 percent away. If you are growing the economy under current technology, you can’t get where you want to get.

It has been suggested that our President does nothing. Our President has done more to advance the cause of international cooperation than any President to date. We have just seen the Global Earth Observation System first in 1993 and another advancing in the United States generating international support to link thousands of individual technologies and assets together. There is a comprehensive global system coming together. That is nothing? Our Nation is spending $5 billion to advance and cause to happen is transparent and clear and available for the world to have.

What is lacking in all of this? Why so much ado today about climate change? It is the politics that drive, not the science, and not the technology.

When we went to Buenos Aires, I actually had nations who have ratified come up to us and say: We know we cannot meet the standards. We know we cannot get to 1990. But if you could just be with us politically, it is so important.

I said: Why should we be for something that cannot get to? Why not join us in these cooperative efforts? Why not work with us in the new technology? Why do we have to have an international political statement to do something when we are already doing it?

That is what it is all about. I am not going to work at disputing any of the science. It is advancing, and we are getting kind of more. The bill now attempting to be amended with a sense-of-the-Senate resolution is a bill that is the cleanest thing we have ever done for climate change. We advance more technology, we bring about more science than ever before. And we share it with the rest of the world.

What has happened is quite simple: The great groundswell of politics that grew out of the original Buenos Aires that said to Kyoto, that tried to divide the world, failed. The environmental movement that first drove this failed. Why did they fail? Because they first said: World, turn your lights out. Third World, stay where you are. And the world collectively, nation by nation, has said: Can’t, that is there. Just can’t go there. We cannot deny our people a livelihood, opportunity, clean water, and pollution control. We cannot deny them management of their waste.

We need energy. How do we get there? Got to be clean. And it is getting clearer and cleaner and cleaner. Last year, we reduced our greenhouse gases by 2.3 percent. This year, it may be 3 or greater. We don’t know yet. We are saying to the rest of the world: Come with us. We will share with you our technology. We will do all the right things. We are developing bilateral.

This administration has moved very rapidly, and working hand in hand with other nations of the world to take to them our technology, to share with them the cooperative nature and spirit that we enter into these kind of relationships. What is missing is the political will. We have had this problem then committed this country the way some would like, as the rest of the world went, as Russia finally was the final ratifier; and now they all turn and say: Well, we said it politically, but we cannot get there. And what do we do now?

That is what the G8 is all about. That is what the debate is about. Let’s get on with the business of advancing clean air technologies. Let’s get on with the business of doing what we are doing. In this case, the political statements have little value compared to the work that is in this marvelous piece of energy legislation called this comprehensive act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I yield myself 2 minutes.

Let me answer quickly that there is nothing at all in what the Senator just said that rebukes the process set forward in the sense-of-the-Senate effort. I stand against us trying to find a fair and binding agreement. We are not talking about something unfair and unnecessary. I cannot imagine he would not want to advance and protect the economic interests of the United States, establish mediation agreements for those countries that are major emitters. With principles of common but differentiated responsibilities, this makes sense.

With respect to what he said about the National Academy of Sciences, I respectfully just plain flat disagree. They took a comment made by one group and sent it to the chairman whom he cited, who wrote back about that outside comment. That is not the comment made by the G8 themselves. Go to the Web site of the National Academy of Sciences tonight, and you will see the following statement on the Web site:

The United States National Academy of Sciences join ten other national science academies today in calling on world leaders, particularly those at the G8 countries meeting next month in Scotland, to acknowledge the threat of climate change is clear and increasing, to address its causes, and to prepare for its consequences.

That is the unequivocal clear finding of the National Academy of Sciences.

The fact is, the consensus hasn’t failed on environment. The countries that signed on to Kyoto have ratified it and are implementing it. Are they going to meet the goals? I admit they are not going to meet the goals—we all
understand that—which is a good reason to go back to the table and begin to negotiate to arrive at an exchange of technologies, at an exchange of science, at a multinational global cooperative effort to try to avoid catastrophe if it presents itself.

Why the opponents want to keep turning their backs on the effort to find the best science and the best solutions is beyond comprehension. When you have scientists from all over the world, I think they would be insulted by their own people’s insensitivity to their own independent scientific inquiry.

They are doing what they are doing based on their life career efforts. I think we ought to respect the consensus of all those scientists on a global basis.

Mr. President, I yield myself an additional minute.

Finance ministers, environmental ministers, prime ministers, foreign ministers—all of them together in all these cases have not put their political careers on the line and asked their countries to engage in something because it is a fool’s errand. They have not suggested, as their scientists in all of those 160 nations plus, that it is politically or economically a consensus for the sake of politics. It has risks, especially if it is found to be false.

I think we ought to listen carefully to what they have engaged in. I think most of our colleagues, indeed, are doing that.

Mr. President, I yield 4 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to my friend from Idaho, let me, as we lawyers say, argue in the alternative. He may be accurate, but it is irrelevant. He is making an argument that was appropriate when we were debating Kyoto. We are not debating that. All my friends here, Senator Lautenberg and others—and Senator KERRY has been the leader on this issue—are saying is that there are some basic facts about global warming. It is real simple. The science is real. The effects are profound. Inaction is not an option.

We just finished passing, as my friend from Idaho said, the DuPont Company, from my own State of Delaware, is one of the best examples. By aggressively reducing their own greenhouse gas emission—by over 70 percent from 1990 levels—they have saved $2 billion in energy costs, added $3 billion to their bottom line, and shown the way for other companies.

But they still wait for our Government to provide the predictable international system in which their early actions can get credit, in which market mechanisms such as emissions trading can have the best effect, in which they will not be undercut by less responsible competitors.

DuPont, and General Electric, and many other major corporations, are putting themselves on the right side of history. We need to back them up, for the simple reason that we need American firms, and the jobs and products they provide, to succeed in an increasingly competitive world.

Which side will we be on? Will we fear the future, or will we take charge of it?

This resolution puts us on the right side. It puts this Senate on record in favor of a constructive, responsible, fair, and effective approach to climate change in our international negotiations.

It is time for us to wake up to the realities of climate change to both the threat and the opportunity it presents. It is time for us return the United States to a leadership role in the international search for a solution to this international problem.

Our children are watching.

Mr. KERRY. Mr. President, I thank the Senator from Delaware and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

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

The PRESIDING OFFICER. The Senator from New Mexico has 6 minutes 9 seconds; the Senator from Massachusetts has 1 minute 55 seconds.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, I have read through the 6-page document that the distinguished Senator from Massachusetts has submitted as his proposal before the Senate.

I was wondering, as I read through—if you skip the first few paragraphs, you’ll come to see ‘Kyoto Convention’ with a capital letter. I went back to see what that is. That is the Kyoto Convention.

Mr. KERRY. No, sir. The U.N. framework.

Mr. DOMENICI. Senator, would you like to address the Chair, please? Would you like to ask a question?

Mr. KERRY. Mr. President, I thought the Senator was asking a question. I apologize.

Mr. DOMENICI. I was not. I was looking here. I said: What is he asking us to do? I finally got down to where the Senator’s amendment says: It is the sense of the Senate that we shall do these things, work first by participating in intergovernmental negotiations under the convention with the objective of securing United States participation, et cetera, et cetera. I said: What is the convention? It is the U.N. Framework Convention. It says here. It produced Kyoto. That is what it says here. So I just want to remind the Senate, the Senator is suggesting that we ought to go back and do something with the world so we can achieve something positive in global warming, the control of global warming gases.
Frankly, everybody here should know, if they did not, the Senator from New Mexico voted for the Bingaman amendment, which many on my side did not, because I believe we have a problem. I said that. I thought that at the time, the Congress should address it. But I fully support this resolution which, in a sense, says now the Senate ought to be talking about going back into negotiations with the world under an architecture that has failed us. As a matter of fact, it yielded a very powerful what I would call pompous ceremonial proposal called Kyoto, which nobody is going to follow that has any industrial capacity.

Now, maybe I should not say “nobody,” but very few nations. Most are trying to say: We would like to do it. This Senate has said, 99 to 0, do not send us the treaty. Mr. President, because we are not going to do it. So I think the Senator—this is a good idea. It is a very excellent speech. His remarks are very admirable. But I do not believe we should today ask, through a sense of the Senate, that we go back to a convention architecture and enter into international agreements under its architecture, which yielded Kyoto, which I do not believe was very successful.

I do not think I want to debate it particularly. I have just seen charts as to what it would require of the United States, and we could never do it. How much the other proposals do that is far less, and I do not believe we should today ask for it. But that is another case. Is Kyoto achievable? No. Did that convention architecture achieve anything significant? I do not think so. We had a great debate, talked a lot about some good things. Maybe some great scientists attended. But I do not think we really want to say it is the sense of the Senate that we should go back to that format. I hope my colleagues will embrace this resolution which, in a sense, says now the Senate should address sometime the Congress should address Kyoto because that is what it refers to.

do not think we need to do that.

I yield back time I might have. I guess we want the yeas and nays. Mr. KERRY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Mr. LAUTENBERG. Mr. President, I call up amendment No. 839. I offer this amendment to this bill to protect the integrity of government science and recharging global climate change. The amendment is cosponsored by Senators Reid of Nevada, Lieberman, Jeffords, and Corzine.

We hear a lot of rhetoric these days by those who challenge climate change and the science that they supposedly use to back up their arguments. But the point is that such rhetoric is not science but, rather, fiction. And what we want to talk about tonight, as has been said many times, is the facts, just the facts, please.

When I see what is being presented to us, I want to show this placard. It is called “the Cooney Triangle.” It is an alliance between the American Petroleum Institute, the White House, and ExxonMobil. Cooney used to be a lobbyist for the American Petroleum Institute. Put simply, his job at the White House was to cast doubt on the scientific evidence that our climate is changing.

In 2001, Mr. Cooney went to work at the White House’s Council on Environmental Quality. His mission at CEQ included editing reports by government scientists on global warming. And he tried to muddy the waters by interrogating uncertainty where, in fact, there is consensus.

About 2 weeks ago, Mr. Cooney left the White House to go to work for ExxonMobil, the most outspoken of all the oil companies in its rejection of the scientific evidence that global warming is occurring. I call this unholy alliance between API, the White House, and ExxonMobil the Cooney triangle. What happens in the Cooney triangle is threatening our country. Bouncing from industry to government, back into industry—that is not new in Washington. We have had a revolving door policy for a long time. What is unprecedented is that industry lobbyists, such as Mr. Cooney, are no longer asked just to try to influence policy. Now they are given free rein to tamper with and distort the findings of professional scientists, including the National Academy of Sciences.

What happens is displayed in an article in the New York Times printed on June 8, 2005. It provides a graphic example of strikeouts and changes in the
wording of a report. While working at the White House, Mr. Cooney, who is not a scientist, edited out entire sections of U.S. reports on climate change. He didn't just alter the words, he altered the meaning of what government scientists had written. An example is included, obviously, in these revisions.

Mr. Cooney deleted an entire paragraph, taking out a description of global warming impacts widely accepted by scientists, calling it "speculative findings," a word he was using. In the next example, he adds a made-up sentence about the need for research to reduce the significant remaining uncertainties associated with human-induced climate change.

Contrast that heavy-handed editing with what scientists are saying about global warming. In January, Oxford University led a number of world-renowned universities in the largest climate change experiment ever conducted. The researchers found that the threat of change appears to be worse than previously thought and that the Earth is warming at twice the rate previously understood.

There is a statement here from the National Academy of Sciences issued just 2 weeks ago. They say:

The U.S. National Academy of Sciences joined 10 other national science academies today in calling on world leaders, particularly those of the G8 countries meeting the next month in Scotland, to acknowledge that the threat of climate change is clear and increasing, to address its causes, and to prepare for its consequences.

The date is June 7, 2005, not a month ago, put out by the National Academy of Sciences, a fairly respected group.

When taxpayers pay for objective scientific studies, they don't want the findings altered. We expect scientists to go where the facts lead them, not to follow predetermined ideologies. Yet the administration has an alarming tendency to disregard or even distort scientific research. We have seen it in these reports. Nowhere is this more evident than in the report about climate change. He didn't alter the words, he altered the meaning of what government scientists had written. An example is included, obviously, in these revisions.

I understand, if a government report about climate change is altered by the White House, then a draft of the preedited version has to be made available at the same time that the final report is released. This way people can determine for themselves whether the scientific evidence about global warming is being ignored or disregarded by the administration. The amendment also extends whistleblower protection for government scientists. It is too bad they have to have that, but we want to be sure that they are free to speak up. It is time to make sure every agency knows about this war on science, especially when it comes to global warming.

The bottom line is that the oil industry lobbyists shouldn't be rewriting scientific conclusions. My amendment will discourage such tampering in the future.

In a national survey last year, two-thirds of the Americans surveyed said government science should be insulated from politics. Nobel laureates, former Federal agency directors, and university presidents have all called for legislative action to restore scientific integrity to Federal policy-making. It is time to smash the Cooney triangle. It is time to demand greater transparency and democ-
The PRESIDING OFFICER. Mr. President, for the information of our colleagues, the next vote will be the last vote of tonight. In fact, the next vote will be the last vote before the cloture vote tomorrow morning. The Democratic leader and I have not talked specifically about times, but we will probably will come back at 9 o’clock tomorrow morning and have the cloture vote at 10 o’clock.

As all of you know, the postcloture amendments will be germane amendments. Right now, the Parliamentarian is going through about 170 amendments to see what is germane and what is not. We make a request to our colleagues to talk to the managers tonight or very early on tomorrow about which amendments you feel strongly about offering.

People have asked about the schedule. We have really all day tomorrow. We could go into Friday on the bill, but if people really focus on it tonight and in the morning, we have a good shot at completing this bill tomorrow afternoon or tomorrow evening. Again, it is going to take everybody coming together and sorting through the amendments.

But this will be the last vote tonight, and the next vote will be the cloture vote at 10 o’clock tomorrow morning.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators from Virginia are recognized.
Mr. WARNER. I thank the Chair. This is somewhat unusual. We will proceed as directed by the Chair.

Mr. President, I first ask that the amendment at the desk be modified.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Reserving the right to object, if the distinguished Senator from Virginia would please inform the Senate what is the modification.

Mr. WARNER. Mr. President, I modified it in such a way as to comport with the UC, whereby after I present the amendment, it can be withdrawn. That is the essence of it.

Mr. NELSON of Florida. I thank the Senator. (The amendment No. 972 is printed in today's Record under "Text of amendments.")

Mr. WARNER. As I understand it, the Senator from Virginia has 5 minutes, the Senator from Tennessee has 5 minutes, and my colleagues in opposition have 5 minutes each.

First, I thank my colleagues for allowing me to proceed. There is a very strong position on both sides of this aisle to this amendment. I say to my colleagues that this amendment is important to have as part of the legislative history of this Energy bill—a bill that America has been waiting for for a very long period of time. Had I pressed on with certain parliamentary maneuvers, it could well have resulted in a filibuster. I have been here 27 years, and I think I have some understanding as to how to count votes and what is in the best interest of this Chamber. I did not want to precipitate that kind of parliamentary situation, particularly after the hard work of Senators DOMENICI and BINGAMAN and the leadership on both sides. But it is important.

It is that this amendment reflect that there is a need in America to recognize that the potential for the offshore energy, be it gas or oil, is enormous, and that we as a nation must conscientiously put politics to one side and look at this, in the event that the energy crisis gets any worse for this country. We have no other recourse of any significant energy other than to go offshore. The distinguished Senator from Louisiana, in the course of this bill, will put on an amendment which recognizes, I think quite properly, that the States which have permitted offshore drilling and which are now producing essential energy for the U.S. be given a share of the revenue. It has my strongest support.

This amendment provides for the future, if other States so desire, to permit offshore drilling. They also can participate in the distribution of the proceeds from the oil and gas. It is entirely discretionary with the States.

This amendment is designed to force no burden on the States. If the Senator wishes to take those risks associated with drilling and the citizens accept that, and the legislatures accept it, then they should be entitled to the proceeds, or a portion of them.

In my State—and I am proud of it—the general assembly, this year, passed legislation urging that our State, through its Governor, begin to explore the possibility of acquiring the offshore drilling rights in the States. The Governor, for reasons that he explained—and I do not say this by way of criticism—vetoed that. But I felt it important for the Senator from Virginia to stand and advise the Senate of the necessity to allow those States the option of deciding for themselves to do offshore drilling.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield 5 minutes to my distinguished colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALLEN of Virginia. Mr. President, I thank the Senator from Virginia. I am glad we have had this opportunity to discuss this issue tonight. I believe, if we had an opportunity to come to a vote, we would likely have a majority vote, nearly, that would support the idea of giving more individual States the right to drill for natural gas offshore, the same right that four States already have.

Why would we do that? It is because the single most important thing that this Energy bill, as it is now written, it is possible to do much more, such as Virginia as it has been developed, can do for the American people is to lower the price of natural gas.

We talk a lot about gasoline at the pump, but by far the bigger problem for millions of American blue-collar workers, for millions of American farmers, and for millions of American homeowners is the high price of natural gas. To lower the price of natural gas, we have a number of provisions in our legislation.

One is conservation. We have very strong conservation. One is make electricity in new and different ways. We would like to encourage coal gasification and carbon sequestration, but that is a few more years away. We would like to bring in more natural gas from overseas, but that leads us down the same road on natural gas as on oil. We propose to increase our supply at home, and we have a lot of it. But here is the price. If we think American jobs are going to stay in the United States when the price is $7 and headed up, when the price in Canada is $5.50, in the United Kingdom it is $5.15, and in Turkey it is $2.15, we are kidding ourselves. We are saying let's don't look for natural gas at home.

The Senators from Florida do not want natural gas from Florida, and neither do I, if they don't. And the Senator from Tennessee do not want it off the coast of North Carolina, and neither do I, if the Senators and the people of North Carolina don't. But what we have suggested in the amendments I have proposed, with Senator TIM JOHNSON in the national gas price reduction bill, and it would be before this legislation, and what the Senator from Virginia has said, is let them do it.

That would mean the Governor of Virginia could put a gas rig more than 20 miles out to sea. One gas rig would equal 46 square miles of these windmills that everybody seems to love. One gas rig, that you could not see, out to sea would bring you enough revenue to create in Virginia a terrific reserve fund for the university system and to lower the taxes, and it would bring to us in the United States a supply of gas to lower the price of natural gas so the workers at Tennessee Eastman can work in Kingsport, instead of flying to Germany to go to work, which is what they will have to do, and the farmers will not have to be taking a pay cut, and the homeowners can afford to pay their bills.

So we need to have, as part of our solution, an increased supply of natural gas. I believe there are 51 votes in this Chamber for that. We cannot get to a vote tonight, but I think we have made good progress. A year ago, we could not even get this body to agree to take an inventory of the natural gas we have offshore, and we have lots of it. This year we passed that inventory. A year ago, nobody would even speak about the idea of offshore energy, and this year, States such as Virginia or South Carolina or North Carolina, the option of deciding for itself that out on the water, where it cannot be seen, it bring in this resource and use it instead of raising taxes. I think that is an option a lot of Governors and legislatures are going to want.

We are contributing to the debate and moving in the right direction. Florida may want to not do it, but I personally will be glad with Florida. The Secretary of Energy says we could have 5 or 10 years from now, when somebody is going to say: We are going to have to have a State income tax. And somebody else will say: Well, maybe we can go 50 miles offshore, where nobody can see gas rigs, and drill for gas and avoid a State income tax and also contribute to the supply of natural gas in a way that would keep jobs in America, lower the cost for farmers, lower the cost for the auto companies, and lower the cost for homeowners.

Lowering the price of natural gas is the single most important thing this energy legislation can do right now for the American blue-collar worker, American homeowner, and American farmer. Having some new supplies of natural gas is a pretty big accomplishment, and giving States the option would be a good way to do it, in my opinion.

Mr. President, I ask unanimous consent to print in the Record a listing of companies and associations supporting expanded offshore development, and giving States the option would be a good way to do it, in my opinion.

There being no objection, the material was ordered to be printed in the Record, as follows:
Mr. NELSON of Florida. Mr. President, I wish to speak again to a position that I want to speak to. I want to speak to what the Senate Armed Services Committee knows, we have a unique national resource off our coast called "restricted airspace," where we train our military pilots and where a lot of the training, with the jetliners flying at Puerto Rico, is done there. It is integrated with surface ships, and at the same time there would be oil rigs down there. That is not what I want to speak to. I want to speak to what the two Senators have said.

It seems to me that off this area in yellow that is under moratorium, it would be harmless off a State until you get to the specific language of the amendment which talks about the establishment of seaward lateral boundaries for coastal States to be set by the Department of Interior according to a guideline set by a Law of the Sea Treaty which was never ratified by the United States.

I want to give an example of what that looks like. The coast of Florida. Here is Texas, Louisiana, Mississippi, Alabama, and here is the Alabama-Florida line on a latitude. But under that Law of the Sea Treaty that was never ratified by the U.S. Government, where would that line go for the State of Louisiana? It would come out here off the coast of Florida. That is what we are trying to protect against.

That is a major flaw of this amendment. This is what we have in Florida. I have not been able to get an updated photograph, but that is a photograph from Alaska.

There is a similar photograph that has not been processed in the photography room of what has just happened off the coast of Louisiana. That could happen right there to what is so precious in our State of Florida.

I yield the floor.
while at the same time in no way tampering with Florida, that would be just fine. The language in this bill simply does not do that. What it does is open a door for the northwest coast of Florida to be threatened with coastal drilling. I see the Senator from New Jersey is about to speak. I thank him for his participation with us in our endeavors to keep our coastlines clear of drilling. I know the Senator shares many of the same sentiments where so many of the people are committed to keeping those coastlines free of drilling so that tourists can continue to come and enjoy the beaches of New Jersey as they do the beaches of Florida.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I rise to speak against this amendment and the direction this amendment would take. I respect the very distinguished Senator from Virginia and others have provided so that we could have this debate. I believe it is truly one of those fundamental decisions that we need to have with regard to both energy independence and how we look holistically at our economies and how our people will be able to continue to maintain their way of life, their quality of life, in its broadest context. This really gets at the heart of that matter as it relates to our economies and how our people will impact here at home.

Finally, it strikes me that we are not focused on some of the things that would allow us to deal with our energy independence, which is absolutely essential. I do not understand why we think this is not a question of energy independence, which is absolutely essential. I do not understand why we think this is not a question of energy independence, which is absolutely essential.

I thank the Senator from Virginia for bringing this debate to the Senate floor. It is a healthy one, and I look forward to working with him in the future, hopefully in a positive way, on our energy dependence.

Mr. WARNER. How much time remains on my time?

The PRESIDING OFFICER. The Senator from Virginia has 1 minute 37 seconds.

Mr. WARNER. The opposition? The PRESIDING OFFICER. Senator NELSON has 25 seconds, and Senator MARTINEZ, 1 minute 14 seconds.

Mr. WARNER. Mr. President, I wind up the presentation by saying—and I have nothing but dangerous signs with regard to the worldwide energy consumption and the predicament the United States of America faces, particularly with the growing consumption of energy by China and India and other nations. It will impact here at home.

To my colleagues in Florida, show us how to fix our bill to protect your State fully. It can be done. That is what we do all the time, craft legislation. How do you explain four States have already been doing this for many years—Mississippi, Louisiana, and those four States offshore—without any great disaster.

I predict the Halls of this Chamber will reverberate with the debate—maybe next year or the year after—and this subject will be brought back again when a solid realization will come to this Senate we have no place to go as a nation to protect ourselves and our energy needs but off our coastlines.

I am delighted tonight I forced the opportunity, together with my colleagues, to show in this bill there are those in this Senate who are seriously concerned about the future and believe we need to start now to do the planning for offshore. If this crisis hits, we cannot go 6 months or a year and suddenly tap those sources. We have to go through a legislative process in our States and the Federal Government. It will take 4 to 5 to 6 years before we could begin to draw the first bit of energy offshore.

I thank my colleague for the opportunity for this very limited right of a Senator to make his case. Unfortunately, we will not have a vote to determine how many other colleagues feel as we do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, could I ask the Senator from Virginia to yield a moment of his time?

Mr. WARNER. I regret to say to my colleagues I don’t think we have a second. If the Senator would ask unanimous consent, I would strongly support it.

Ms. LANDRIEU. I ask unanimous consent for a moment.

Mr. WARNER. Mr. President, I ask unanimous consent 2 minutes be given to our distinguished colleague from Louisiana.

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

Ms. LANDRIEU. I thank my colleagues. This has been a very good debate. I understand the feelings of the Senators from Florida and New Jersey. They have very strong feelings they have expressed, and some ideas have been laid out to consider.

I understand this amendment will probably not be voted on, but I compliment the Senator from Virginia for his foresight and understanding that we have to increase the supply of gas, particularly oil and gas in this Nation. All of the conservation measures are in this bill and all those we could add when it goes to conference are not going to add up to enough conservation to get us out of the bind we are in.

While we want to be sensitive to the individual States, we also have an obligation to the Nation. The Senator from Virginia has raised that issue.

He is correct. We will be back sometime next year or the following year debating this issue and trying to come up with some way we can open up opportunities where we can, and maybe keep them closed in other places. Pretending this will go away, pretending the prices will come down, is jeopardizing the economic vitality of
our Nation. Regardless of the position of Mississippi or Louisiana, the national issue demands we come up with solutions. I thank the Senator from Virginia for his foresight and his comments in this regard.

Mr. WARNER. I thank the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HELMS of Florida, Mr. President, in the remaining time I have, I respond to my dear personal friend and my chairman, the senior Senator from Virginia, to say in approaching your question, how do you perfect this for the future? You eliminate the part of your bill regarding the establishment of seaward lateral boundaries for coastal States. In all of this area in yellow off the gulf coast of Florida that is under moratoria, that seaward lateral boundary would cause that line to come off the coast of Florida. That is what the Senator from New Jersey is concerned about. That, then, establishes drilling off of a State that clearly starts to harm that of the people of Florida. I thank the Senator from Virginia for his courtesy and invite the opportunity to work with him to see if it is feasible to see if we can draw the lines to satisfy the needs of Virginia and Florida.

Mr. WARNER. I believe under the unanimity of amendment in order for the Senator from Virginia to seek unanimous consent to have this amendment withdrawn. I will do that momentarily.

I simply say to my colleagues, there is a way to fix this legislation and there is a way, also, to fix it in such a manner that we could restrict such offshore exploration to gas alone. Right now the permit process requires oil and gas, but Congress can fix that.

Mr. FEINGOLD. Mr. President, the Senator from Virginia to seek unanimous consent to have this amendment withdrawn. I will do that momentarily.

I ask unanimous consent this amendment be withdrawn. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, the Senator from Kansas and I would like to engage in a colloquy with Chairman DOMENICI and Ranking Member BINGAMAN about an issue that we’re concerned could adversely affect electricity consumers and small businesses.

Mr. DOMENICI. I understand the Senators from Wisconsin and Kansas have concerns about the potential for regulated utilities to cross-subsidize the businesses of some of their affiliate companies.

Mr. BROWNBACK. Yes. Several small business groups have brought to our attention concerns they have about their ability to compete with energy service companies that are separate from, but affiliated with, regulated utilities. These small business groups are concerned about utility ratepayers subsidizing these competitive businesses. Because of these concerns, I have asked Senator FEINGOLD to give the Federal Energy Regulatory Commission authority to require greater structural and financial separation of utility companies and their affiliates and to prevent anticompetitive abuses which are especially harmful to America’s small businesses.

Mr. FEINGOLD. In addition to consumers and small businesses, we have heard from a diverse array of financial companies and credit agencies that are concerned about this issue. From 2001–2003, financial ratings agencies issued over 180 bond downgrades—overwhelmingly as a result of poor performance by nonutility investments. All too often, utilities have succumbed to temptation and have relied on the more stable, regulated utilities within the company to shore up balance sheets and offset risky nonutility investments, while customers and investors pay the bill. We all agree that we cannot let Enron-style abuses we keep hearing about from consumers, small businesses, and financial companies continue.

The Feingold-Brownback amendment adds a new section to the Federal Power Act to give FERC new power to regulate transactions between public utility companies and their affiliate and associate companies. The amendment also requires FERC to issue regulations that require affiliate, associate, and subsidiary companies to be independent, separate, and distinct entities from public utilities; maintain separation between utilities; and prohibit cross-subsidizing, or shift transfer from affiliate, associate, or subsidiary companies to the public utilities.

Mr. BINGAMAN. As the Senator from Wisconsin knows, I see ring fencing as an important issue and think that we should push FERC to protect small businesses and consumers from these abusive practices. The underlying bill, however, contains strong new authority for the Federal Energy Regulatory Commission to oversee mergers of public utilities. Congress directs FERC to use this new authority to assure that mergers are conducted appropriately and that consumers are protected from Enron-style abuses. We also direct FERC to use its existing authority to prevent Enron-style abuses from happening again. The anticompetitive manipulation language also works toward this goal.

Mr. FEINGOLD. I am pleased that language in the underlying amendment includes more merger oversight authority for FERC. It includes anti-market manipulation language, and it allows FERC to look at the books. My concern is that if there are not standards about keeping the entities separate, FERC’s authority will not be enough to prevent abuses. I am also concerned that State commissions, public service commissions, and others are not able to take care of these kinds of problems because they do not have the authority to regulate these multi-State entities. That’s why small businesses and consumers need increased Federal protection, especially given that this bill repeals the Public Utility Holding Company Act.

Mr. DOMENICI. Let me assure the Senators from Wisconsin and Kansas that I appreciate their concerns, and I agree that utility customers should not be forced to unfairly bear the costs of business ventures by unregulated companies affiliated with their local utility. Neither should competition be undermined by unfair competition caused
by shifting costs from an unregulated utility-owned business to the public utility. We can agree to disagree on whether FERC needs new authority or simply needs to exercise its existing authority, I anticipate that FERC will use its new and existing authority to address concerns raised by small businesses and financial groups, but I agree that if there are problems, we should take a look at them.

Mr. BROWNBACK. The amendment is simply intended to ensure a level playing field between small businesses and utility affiliates, to protect rate-payers, and the financial integrity of utilities, and to preserve fair competition.

Mr. DOMENICI. I commit to the Senators from Wisconsin and Kansas that I will work with them through conference to ensure that the final version of this bill does not undermine consumer protections or the financial integrity of utilities, or harm America’s small businesses. I will work with Senator Bingaman to address concerns raised by small businesses and utility affiliates, to protect rate-payers, and the financial integrity of utilities, and to preserve fair competition.

I also supported the Cantwell amendment to reduce U.S. oil consumption by over 7 million barrels per day by 2025, in addition to the 1 million barrel per day reduction by 2015 already incorporated into the Energy bill which I cosponsored. On climate change specifically, the most recent vote of significance prior to the current debate was on October 30, 2005, when the Senate voted on the McCain-Lieberman bill, S. 129, the Climate Stewardship Act, which failed by a vote of 43 to 55. The Senate again today rejected a similar amendment to the Energy bill by a vote of 38 to 60. I voted against this amendment and the previous bill because it is very difficult to meet the strict emissions limit of the year 2000 by the year 2010 in times of unpredictable national and State economies. Additionally, it is very difficult to limit industry in the United States when we do not have a plan for the rest of the world in curtling greenhouse gas emissions. I have urged the President to work through international means to address global climate change and support his efforts and those of individual companies to voluntarily curb domestic emissions, but I agree that if there are problems, we should take a look at them.

Mr. FEINGOLD. Yes, we thank you and look forward to working with the committee on this common-sense proposal.

Mr. SPECTER. Mr. President, I have sought recognition to address the issue of climate change and the various proposals been debated this week on the energy bill including the McCain-Lieberman amendment, the Hagel amendment, and the Bingaman-Specter amendment. Climate change is a matter of great international importance and I believe any successful plan to address it must balance environmental protection with the need for economic development and jobs. I have voted many times for environmental protection for renewable energy and conservation measures. Most recently, on this Energy bill I voted for the Bingaman amendment to mandate that 10 percent of U.S. electricity production be from renewable sources by 2020. I also supported the Cantwell amendment to reduce U.S. oil consumption by over 7 million barrels per day by 2025, in addition to the 1 million barrel per day reduction by 2015 already incorporated into the Energy bill which I cosponsored.

North Carolina's coast has worked. Over the last quarter century, North Carolina's coast has become an increasingly popular destination. North Carolina's Outer Banks are world-famous for their beauty. The influx of tourists have brought much needed dollars and jobs and lifted up what previously were some of the poorest counties in the state.

Today, however, our coastal communities and economies face a great threat—the provision that would allow individual states to "opt out" of the moratorium, and not just for exploration but for actual drilling off the coast.

A State's decision to opt out of the moratorium and drill for oil would obviously affect its neighboring States. Water borders are not like land borders. Water actually knows no borders. It is fluid, continuous, and moving. An environmental hazard caused by drilling off the coast of one State would not be problematic for just that State. An oil spill would just keep spilling across these supposed "borders" of the State, polluting the beaches of neighbor States. This is just common sense. It would negatively impact water quality, fisheries, wildlife, tourism, and local economies.

As I stated Tuesday during another offshore drilling debate, drilling off our coast would endanger North Carolina's booming tourism industry, a true economic engine of my state.
And exploration or drilling off neighboring coasts most certainly would disrupt the waters off North Carolina. We do not need to recite again the dangers of environmental damage that offshore drilling can cause—especially in an area known as the Graveyard of the Atlantic.

Proponents of lifting the moratorium inadvertently make the point for me of how dangerous this is for our coastal environment. In the amendment we are considering tonight, there is revenue sharing with the coastal communities in the states where drilling is allowed. And what is this revenue to be used for? I quote: “(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland. (B) Mitigation of damage to fish, wildlife or natural resources.” Restoring wetlands? Mitigation of damage to fish? Mr. President, North Carolinians want to spend time enjoying their beaches, not restoring them.

Mr. President, I would like to discuss briefly my vote today in favor of the McCain-Lieberman climate change amendment. I supported this amendment because I believe our nation needs to take real action to reduce greenhouse gas emissions, something the Bush administration has so far refused to do. Global warming is a serious problem that has alarming repercussions for our future food production, water supplies, national security, and the survival of many species of wildlife. The vast majority of mainstream scientists now accept that global warming is real and that it is caused in large part by human activities.

The McCain-Lieberman amendment would hold total U.S. greenhouse gas emissions at year 2000 levels starting in 2010. Most importantly, once that cap is set in place, emissions would not be allowed to increase. The amendment would establish a cap and trade regime for greenhouse gases based on a successful acid rain program that has harnessed the incentives of the free market to reduce sulfur dioxide emissions. I recognize the concerns that have been expressed about this amendment because its innovation title would provide funding for the demonstration of a list of technologies that includes new nuclear reactors. I share this concern, and I agree that many questions remain unanswered about the safe and secure operation of any such projects.

On the other hand, nuclear power is only one of many technologies that are eligible to compete for demonstration funding in the McCain-Lieberman amendment, including, but not limited to, solar, biofuels, and coal gasification with carbon capture. In addition, these funds would come not from taxpayer dollars but from the sale of emissions allowances under the new cap and trade program. While I would prefer not to use nuclear power in this mix, the McCain-Lieberman amendment would have provided substantial mandatory reductions in greenhouse gases that are essential for our future. It is my sincere hope that the Congress and the Bush administration will finally recognize the reality of climate change and take action to reduce our Nation’s greenhouse gas emissions.

Mr. KERRY. Mr. President, I would like the record to show that on June 21, 2005, I missed a series of votes I was out of the office for personal reasons. Had I been present, I would have voted yes for the Nelson amendment No. 783 to strike the section providing for a comprehensive inventory of Outer Continental Shelf natural gas resources. I would have voted no for the Hagel amendment No. 817 to provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries. I would have voted yes for the Voinovich amendment No. 799 to reduce emissions from diesel engines.

Mr. JOHNSON. Mr. President, I was necessarily absent from the Senate on June 21, 2005, the day of today’s session in order to attend a hearing of the Base Realignment and Closure Commission in Rapid City, SD. I missed six votes, and I would like to state for the RECORD how I would have voted in each instance.

I would have voted no on rollcall vote No. 142, the motion to invoke cloture on the nomination of John R. Bolton, of Maryland, to be Representative of the United States to the United Nations.

I would have voted no on rollcall vote No. 143, Senate amendment No. 783, a Nelson of Florida amendment to H.R. 6 to strike the section providing for a comprehensive inventory of Outer Continental Shelf oil and natural gas resources.

I would have voted yes on rollcall vote No. 144, Senate amendment No. 817, a Hagel amendment to H.R. 6 to provide for the conduct of activities that promote the adoption of technologies that reduce greenhouse gas intensity in the United States and in developing countries and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems in the United States.

I would have voted yes on rollcall vote No. 145, Senate amendment No. 799, a Voinovich amendment to H.R. 6 to make grants and loans to States and other entities for the purposes of energy efficiency improvement and energy innovation. I would have voted yes on rollcall vote No. 146, the motion to table the Feinstein amendment No. 841 to H.R. 6 to prohibit the Commission from approving an application for the authorization of the siteing, construction, expansion, or operation of facilities located onshore or in State waters for the import of natural gas from a foreign country or the conversion of any gas to a foreign country without the approval of the Governor of the State in which the facility would be located.

I would have voted no on rollcall vote No. 147, the motion to table the Schuerman amendment No. 805 to H.R. 6 to express the sense of the Senate regarding management of the Strategic Petroleum Reserve to lower the burden of gasoline prices on the economy of the United States and in developing efforts of OPEC to reap windfall profits.

Mrs. MURRAY. Mr. President, today I cast a vote for the McCain-Lieberman climate stewardship and innovation amendment to H.R. 6. This amendment on the need for the United States to take action to address global climate change in a real and proactive manner.

The authors of the amendment have recently added provisions related to nuclear power. I don’t agree that these two policy issues should be linked, but it was my colleagues’ option.

The real message and point of this amendment remains that the United States needs to acknowledge and rapidly begin addressing global climate change.

Voluntary measures are constructive but not good enough. We cannot afford to sit back and indulge those who choose against making reductions in harmful emissions because of those who do. Scientific evidence shows that global warming poses a real threat to the Pacific Northwest environment, way of life, and economy.

As the world’s largest emitter of greenhouse gases, we should lead by example and innovation. We should not wait for other countries to lead on this important priority. We should seek and promote technologies that promote energy efficiency and make significant cuts in greenhouse gas emissions, as the climate stewardship and innovation amendment would have us do.

Mr. President, I support this amendment because it commits the United States to a mandatory program that makes real cuts in greenhouse gas emissions. This amendment will make our country, and the entire globe, a safer, cleaner place.

Mr. LOTT. Mr. President, as we debate America’s energy future, it is critical that we focus on the growing challenge to America’s energy security and ultimately to our way of life—posed by an overseas threat currently underway to acquire the world’s limited energy resources. China’s need for energy is growing rapidly, and China is now the second largest consumer of energy in the world. For all of 2005, it is forecasted that China will consume 7.2 million barrels of oil per day, and its demand could double by 2020 as its economy grows.

At the same time, China produces very little of the energy it uses, and thus is forced to import almost all energy. In its quest for oil, China has become aggressive in brokering deals in every part of the world through its national oil companies. These companies are Government controlled, and unlike private companies are willing to accept lower rates of return with no concerns
about a balance sheet. In short, our country’s energy companies may soon find it difficult to compete against these Government owned energy companies in the global energy arena. These companies have access to abundant capital in national treasuries and none of the constraints of regulation faced by U.S. companies nor concerns about rates of return.

Unfortunately, we have a very recent example of this. The China National Offshore Oil Company, CNOOC, has now made public the fact that it is seriously considering making a bid for a U.S. based company, Unocal. This is after Chevron, also a U.S. based California company, has just received FTC preliminary approval for acquisition. This would pave the way for lower energy prices for American consumers. Now, here in the eleventh hour, this Chinese national energy company may offer a counterproposal which would raise troubling policy concerns regarding energy security. Certainly, there would have to be a serious review of this situation by numerous Federal agencies including the FTC, SEC, Department of Commerce, Department of Defense, Department of State, and many others. This in the past year has brokered deals for oil reserves in Africa, Iran, South America and Canada. Now they have their sights set on a U.S. company and its assets. We are not operating with a level playing field, and it is hard to imagine how American companies can continue to compete under these circumstances.

We must do something about this. If we do not act now, we will see fuel prices for consumers increase, and it will be too late to do anything about it. We must begin working today to find a way to work cooperatively with our global trading partners, including addressing conservation, energy efficiency and technology issues, rather than have us fall on a collision course in a quest to seek energy resources.

Mr. FRIST. Mr. President, I rise today in opposition to the cruelest and most unfair tax our Government imposes, the death tax. The death tax destroys small businesses, it damages families, and it prevents job creation. The death tax forbids hardworking people from passing on their assets to spouses, children, friends, and loved ones. It damages farms, newspapers, shops, and factories. Let me make my principles clear: Americans spend their lives paying taxes; death should not be a taxable event. A typical family spends between $30,000 and $150,000 simply planning to avoid this tax—$150,000 enough to start a business and create dozens of jobs—all of it wasted simply trying to avoid this unjust tax. The death tax is immoral. It needs to go.

We have already begun to cut the death tax and current law will complete its phase-out in 2010. But, on January 1, 2011, the death tax will spring back to life. And, it will rise to confiscatory levels. That’s why I have filed an amendment today that will abolish the death tax, immediately and forever, effective January 1, 2006. If we do not act, the death tax will come back to haunt our children’s futures. I urge all of my colleagues in both parties, in ending the sway of this terrible tax once and for all.

Mr. DOMENICI. 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.

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

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

Ms. MURKOWSKI. Mr. President, we have had some great discussion here on the floor of the Senate as we debate the merits of the “death tax.” We have talked about conservation and about new production. We have talked a lot about renewables and alternatives.

One of those areas that we have not heard a lot of discussion on, in terms of our renewable energy sector, is ocean energy. When we look at our globe and at all those colors, we recognize that we have a heck of a lot of ocean to deal with, and there is great potential there.

The Energy bill currently provides production incentives and Federal purchase requirement assistance to many forms of renewable energy: wind, solar, geothermal, and closed-loop biomass, but oddly enough, it doesn’t provide such aid to this type of power that I am talking about—power that can benefit all 25 coastal States, and that is the area of ocean energy. This is a relatively new type of renewable power. It comes from harnessing the endless power of the ocean either by building a wind farm or by transferring the power of waves into current; or the tidal and current systems that use tidal or current flows to spin underwater turbines; or the newest type, which is ocean thermal energy technology, and this generates electricity from the temperature differential of surface and deeper waters.

Ocean electric projects are relatively new in this country, but not necessarily overseas. Currently, there are operating energy plants in the Hanaunah area of Scotland, the Azores, Australia, and Portugal.

In America, we have some projects proposed off Hawaii, in Makah Bay in Washington State, in the East River off of New York City, and also for installation at Port Judith in Rhode Island.

The amendment that the Senate will be considering is one I am proposing that will simply try to level the playing field to see if the technology can be improved to bring down the cost of energy generation. When wind energy first started, when we started getting into this technology in 1978, it was costing about 25 cents a kilowatt hour. Ocean energy is already starting at about half that cost, even before economies of scale, and years of technology testing and improvement have had a chance to reduce those costs.

In my State, we certainly care a lot about developing different sources of renewable energy.

Now, in Alaska, we have about 5.6 million megawatts of power that Alaskans use a year; 1.36 million megawatts come from lake tapers or small hydro-power. That is about 24 percent of Alas- ka’s electricity, which is currently coming from hydro.

We also produce 3,600 megawatts of power from wind turbines, which are working great. They are out in the Kotzebue area and St. Paul Island in the Pribilofs and in other southwestern Alaskan communities. Alaska gains 6,000 to nearly 10,000 megawatts of power from burning fish oil. I have had a chance to see many a hear why right, that you burn fish oil to generate power? That is correct. Given the health of Alaska’s seafood industry, this is a renewable energy source that has great potential. There are new wind and renewable projects proposed for near Bethel, at Fire Island near Anchorage, and a number of other projects proposed in rural communities. Alaska, in the efforts that we are making currently, might gain 20,000 megawatts of power or 5 percent of our needs.

I mention this to simply indicate that while we are committed to using renewables whenever possible, we have to acknowledge how far we can get with the technologies that we have and what is available to us. When you consider that in the State of Alaska we have about 125 villages and towns either on our coastline or near the mouths of coastal rivers and bays that could benefit from ocean current generation, it becomes very easy to see why we want to encourage ocean energy resources.

But ocean energy could also help hundreds of towns around Hawaii and all along our coastal communities in the lower 48. We have 23 lower 48 ocean States. If we provide enough assistance to help with this technology, to look through the research, this can become an economic venture.

Ongoing current plants is environmentally friendly, completely clean. Already the plants in operation are able to be installed for $500 to $1,000 per kilowatt hour—costs that are very competitive to the roughly $1,200-per-kilowatt capital cost of nuclear power.

The Alaska delegation is also seeking an amendment to the tax title to extend ocean energy so that it qualifies for the existing energy production tax credit—currently 1.9 cents per kilowatt hour for wind. The additional cost of these two provisions is insignificant. But they could greatly diversify the Nation’s energy portfolio in future decades. We recognize that the ocean is an
energy source that is truly renewable. I am looking, through my amendment, to help aid Americans to harness that energy from our 12,000 miles of coastline. It is something that we need to look at to see a positive reality and give the encouragement where needed.

I want to change focus a little bit and talk for a moment this evening about an energy policy—an energy policy that belongs to a nation whose demand and consumption of oil far outstrips domestic, a nation that accounts for 25 percent of the world's crude oil demands over the last 4 years, and a nation whose demand for oil is one of the leading factors driving oil prices to record-high levels.

I am not talking about the United States tonight. I am talking about China. Why the difference with China? They have an energy policy, and we don't. A couple weeks ago, I chaired a hearing in the Foreign Relations Committee on China's growth and what that means for the United States. One of the witnesses at that hearing, Mr. Mikkal Herberg, with the National Bureau of Asian Research, provided a very informative and eye-opening look at China's increasing role in the international energy market. To summarize in one sentence: China is quickly becoming a major player in the geopolitics of global energy.

China's demand for energy is a reflection of its two-decade-long economic growth. China surpassed Japan in 2003 as the world's second largest consumer of oil. It is the world's third largest importer and now imports more than 40 percent of its total oil needs.

The International Energy Agency forecasts that China's imports will rise more than fivefold by 2030. This is from the current level of about 2 million barrels per day to nearly 11 million barrels per day, when imports will account for 80 percent of China's energy needs.

The East-West Center predicts that by 2015, 70 percent of China's oil imports will come from the Middle East. China is very much aware of the vulnerable maritime choke points that this oil must pass through in order to reach its shores. Fifty percent of Asia's current daily oil supplies must transit through the Straits of Malacca near Singapore.

Mr. President, the United States currently imports around 58 percent of the oil consumed in this country. What would happen to us in the United States if we were 80 percent dependent on other nations for our economic growth? For our transportation and our security needs? For our home heating needs?

We might very well do what China is doing today—not just investing heavily in other countries but seeking to control all aspects of the oil production. For example, in Sudan, a Chinese State-owned oil company owns 40 percent of a conglomerate that produces 300,000 barrels of oil per day. The same company has a major stake in the oil pipeline to the coast, they built and own a share of an offshore refinery, and they helped build oil-loading port facilities on the coast.

While we in the United States naturally gravitate toward an economic model of supply and demand by energy resource, China is building its oil infrastructure on the worldwide market. China does not abide by this market-based system.

As Mr. Herberg noted at the hearing, China is unilaterally trying to secure its future oil and gas needs by direct state intervention. They are taking equity stakes in oil and gas fields and promoting the global expansion of their three national oil companies. I note that one of them, China National Offshore Oil Corporation, is looking to submit a counterbid to Chevron's offer to purchase Unocal Corporation. China is promoting state-to-state deals of new oil and gas pipelines to channel supplies directly to China and developing broader financial, diplomatic, and military ties with key oil exporter nations. In the past 5 years, the Chinese Government has signed strategic energy alliances with eight countries.

Their push to develop a Shanghai Corporationization to focus on combating terrorism in the region can also be attributed to their desire to forge stronger energy ties and more secure energy supplies. China has major oil investment in Kazakhstan and is currently building a large oil pipeline from Kazakhstan to western China.

Many of my colleagues may be aware that China is investing heavily in Alberta, Canada's oil sands, the same fields that moved Canada up into the No. 2 slot in the world for proven oil reserves. China is also looking to construct a pipeline to Canada's west coast to export that oil to China.

China has signed at least 116 major energy investments in 37 countries since 2005. Proposals are still pending. They have significant holdings in Sudan, Iran, and Venezuela. In Angola, the bidding process for the large offshore Greater Plutonio oilfield was additionally won by Indian's national oil company, but the Angolan Government mandated that the deal instead go to the Chinese, and this, of course, came on the heels of a $2 billion aid offer from China.

China's energy security strategy is making move to锁 in. When you think of the large economies of Japan and South Korea, each nation is highly dependent on oil imports for their energy needs. The idea of China locking up future sources of oil cannot be comforting to them, leading to their own efforts to lock in stable sources of energy.

As China and other Asian nations raise their level of diplomatic and political involvement in the Middle East, their influence will increase as well. Already, nearly two-thirds of the Persian Gulf's oil exports go to Asia, and this share will only increase. The United States will find its position as the traditionally dominant outside power in the Middle East significantly challenged in the future.

My point tonight is not to criticize or to demonize China for its moves to secure an energy supply. In fact, China's growing energy demands also provide an opportunity for American companies to promote greater energy efficiency and higher oil recovery rates for China's domestic production.

My point is simply this: As a developing nation, China needs to look at the future and determined that it needed secure and more sources of energy. They developed a long-range plan. They have been implementing that plan and, as a result, will have continued access to energy resources in the future.

China's foreign policy reflects their long-term strategy of gaining access to, and to some degree, control over energy sources for their needs. Our energy policy, on the other hand, has not nearly been as focused. It has something been referred to as a "milk cup" policy where we go begging for oil from exporting countries when there is a shortage or high prices.

Yet as other nations look to the Middle East to secure their own sources of energy, our influence in the region may diminish. Our cries for OPEC to increase production and output will be weighed against the interest of China and other developing nations.

Congress could have—or should have—thought about their influence in the region many years ago, but that is the past. We have another opportunity in front of us to prepare this country for the future to look at our long-term energy needs and determine the best way to address them.

I thank Chairman Domenici and Senators Grassley, Bingaman, and Baucus for their work in crafting this legislation. I think we all would agree it is long past time for Congress to enact a much needed energy bill. It is time for this country to have an energy policy of its own.

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

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

AMENDMENTS NOS. 786, 787, 788, 789, 818, 822, 835, 850, 861, 864, 870, 927, 931, AS MODIFIED, 978 THROUGH 989

Mr. FRIST. I have a package of manager amendments that have been cleared on both sides of the aisle. I would pass them to the desk, and I ask unanimous consent that the amendments be considered and agreed to with the motion to reconsider laid upon the table.

The PRESIDING OFFICER (Ms. Murkowski). Without objection, it is so ordered.

The amendments were agreed to as follows:
AMENDMENT NO. 786

(Purpose: To make energy generated by oceans eligible for renewable energy production incentives and to modify the definition of the term “renewable energy” to include energy generated by oceans for purposes of the Federal purchase requirement)

On page 130, line 24, insert “ocean (tidal, wave, current, and thermal),” after “bio-

AMENDMENT NO. 787

(Purpose: To make Alaska Native Corporation eligible for renewable energy produc-
tion incentives)

On page 131, lines 18 and 19, strike “an Indian tribal government or subdivision thereof,” and insert “an Indian tribal gov-

AMENDMENT NO. 788

(Purpose: To require the submission of reports on the potential for biodiesel and hythane to be used as major, sustainable, alternative fuels)

On page 755, after line 25, add the follow-

SEC. 13. ALTERNATIVE FUELS REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress reports on the potential for each of biodiesel and hythane to become major, sustainable, alter-
native fuels.

(b) BIODIESEL REPORT.—The report relating to biodiesel submitted under subsection (a) shall—

(1) provide a detailed assessment of—

(A) potential biodiesel markets and manufact-

(2) address—

(A) the infrastructure necessary to pro-

(b) HYTHANE REPORT.—The report relating to hythane submitted under subsection (a) shall—

(1) provide a detailed assessment of poten-
tial hythane markets and the research and development activities that are necessary to facilitate the commercialization of hythane as a competitive, environmentally-friendly transportation fuel;

(2) examine—

(A) the infrastructure necessary to produce, blend, distribute, and store hythane for widespread commercial purposes; and

(B) other potential market barriers to the commercialization of hythane;

(3) examine the viability of producing hy-
drogen using energy-efficient, environ-
mentally friendly methods so that the hy-
drogen can be blended with natural gas to produce hythane; and

(4) include an assessment of the modifica-
tions that would be required to convert com-
pressed natural gas vehicle engines to en-
gines that use hythane as fuel.

g) GIANTS FOR REPORT COMPLETION.—The Secretary may use such sums as are avail-
able to the Secretary to provide, to 1 or more colleges or universities selected by the Sec-

retary, grants for use in carrying out re-
search to assist the Secretary in preparing the reports required to be submitted under subsection (a).

AMENDMENT NO. 818

(Purpose: To commission a study for the roof of the Dirksen Senate Office Building in a manner that facilitates the incorporation of energy efficient technology and amends the Master Plan for the Capitol complex)

On page 15, strike lines 3 through 20. On page 719, strike lines 11 through 20 and insert the following as part of the Excerpts of updating the Master Plan Study for the Capitol complex, shall—

(A) carry out a study to evaluate the en-

(3) provide a detailed assessment of—

(A) potential biodiesel markets and manufact-

(2) examine—

(A) the infrastructure necessary to pro-

(b) PERFORMANCE OBJECTIVE.—The fuel effi-
ciency performance objective for the pro-

gram shall be to achieve a fuel efficiency im-
provement of more than 10 percent by ex-
ploring—

(1) advanced concepts, alternate propul-

sion, and power configurations, including hy-
brid fuel cell powered systems; and

(2) the use of alternate fuel in conventional or nonconventional turbine-based systems.

AMENDMENT NO. 819

—

AUTHORIZED APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2006 through 2010.

AMENDMENT NO. 820

(Purpose: To establish a National Priority Project Designation)

On page 159, after line 23, add the fol-

SEC. 2. NATIONAL PRIORITY PROJECT DES-

(1) IN GENERAL.—There is established the National Priority Project Designation (re-

ferred to in this section as the “Designation”), which shall be evidenced by a medal bearing the inscription “National Priority Project.”

(2) DESIGN AND MATERIALS.—The medal shall be of such design and materials and bear such additional inscriptions as the President may prescribe.

(b) MAKING AND PRESENTATION OF DESIGNA-

(1) IN GENERAL.—The President, on the basis of recommendations made by the Sec-

etary, shall annually designate organiza-

tions that have—

(A) advanced the field of renewable energy technology and contributed to North Amer-

can energy independence; and

(B) been certified by the Secretary under subsection (e).

(2) CERTIFICATION AND SELECTION CRITERIA.

(a) In General.—An organization that receives a Designation under this sec-

tion may publicize the Designation of the or-

ganization as a National Priority Project in advertising.

(b) TYPES OF PROJECTS TO WHICH DESIGNA-

TIONS MAY BE GIVEN.—Separate Designations shall be made to qualifying projects in each of the following categories:

(1) Wind and biomass energy generation projects.

(2) Photovoltaic and fuel cell energy generation projects.

(3) Energy efficient building and renewable energy projects.

(4) First-in-Class projects.

(c) SELECTION CRITERIA.

(1) IN GENERAL.—Certification and selec-
tion of the projects to receive the Designa-

tion shall be based on criteria established under this subsection.

(2) WIND, BIOMASS, AND BUILDING PROJECTS.—In the case of a wind, biomass, or building project, the project shall demon-

strate that the project will install not less than 3 megawatts of renewable energy generation capacity.

(3) SOLAR PHOTOVOLTAIC AND FUEL CELL PROJECTS.—In the case of a solar photo-

voltaic or fuel cell project, the project shall demon-

strate that the project will install not less than 3 megawatts of renewable energy generation capacity.

(4) ENERGY EFFICIENT BUILDING AND RENEW-

ABLE ENERGY PROJECTS.—In the case of an en-

ergy efficient building or renewable energy project, in addition to meeting the criteria established under paragraph (2), each build-

ing project shall demonstrate that the project will—
(A) comply with third-party certification standards for high-performance, sustainable buildings;
(B) use whole-building integration of energy system and environmental performance design and technology, including advanced building controls;
(C) use renewable energy for at least 50 percent of the energy consumption of the project;
(D) comply with applicable Energy Star standards; and
(E) include at least 5,000,000 square feet of enclosed space.
(5) FIRST-IN-CLASS USE.—Notwithstanding paragraphs (2) through (4), a new building project may qualify under this section if the Secretary determines that the project—
(A) represents a First-In-Class use of renewable energy;
(B) otherwise establishes a new paradigm of building integrated renewable energy use or energy efficiency.
(d) APPLICATION.—
(1) INITIAL APPLICATIONS.—No later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary shall publish in the Federal Register an invitation and guidelines for submitting applications, consistent with this section.
(2) CONTENTS.—The application shall describe the project, or planned project, and the plans to meet the criteria established under subsection (c).
(e) CERTIFICATION.—
(1) IN GENERAL.—Not later than 60 days after the application period described in subsection (d), and annually thereafter, the Secretary shall certify projects that are reasonably expected to meet the criteria established under subsection (c).
(2) CERTIFIED PROJECTS.—The Secretary shall designate personnel of the Department to work with persons carrying out each certified project and ensure that the personnel—
(A) provide each certified project with guidance in meeting the criteria established under subsection (c);
(B) identify programs of the Department, including National Laboratories and Technology Centers, that will assist each project in meeting the criteria established under subsection (c); and
(C) ensure that knowledge and transfer of the most current technology between the applicable resources of the Federal Government (including the National Laboratories and National Laboratories, the Department, and the Environmental Protection Agency) and the certified projects is being facilitated to accelerate commercialization of work developed through those resources.
(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2006 through 2010.

AMENDMENT NO. 861
(Purpose: To require the Secretary to enter into a contract with the National Academy of Sciences to determine the effect of electrical contaminants on the reliability of energy production systems.
Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall determine the effect that electrical contaminants (such as tin whiskers) may have on the reliability of energy production systems, including nuclear energy.

AMENDMENT NO. 864
(Purpose: To ensure that cost-effective procedures are used to fill the Strategic Petroleum Reserve)
On page 206, line 12, strike "The Secretary shall" and insert the following:
(1) IN GENERAL.—The Secretary shall
On page 206, between lines 20 and 21, insert the following:
(2) PROCEDURES.—
(A) IN GENERAL.—The Secretary shall develop, with an opportunity for public comment, procedures to obtain oil for the Reserve with the intent of maximizing the overall domestic availability of crude oil (including quantities stored in private sector inventories) and minimizing the costs to the Department of the Interior and the Department of Energy of acquiring such oil (including foregone revenues to the Treasury when oil for the Reserve is obtained through the royalty-in-kind program), consistent with national security.
(B) CONSIDERATIONS.—The procedures shall provide that, for purposes of determining whether to acquire oil for the Reserve or deliver deliveries of oil, the Secretary shall take into account—
(i) current and future prices, supplies, and inventories of oil;
(ii) national security; and
(iii) other factors that the Secretary determines to be appropriate.
(C) REVIEW OF REQUESTS FOR DEFERRALS OF SCHEDULED DELIVERIES.—The procedures shall include procedures and criteria for the review of requests for the deferrals of scheduled deliveries.

AMENDMENT NO. 927
(Purpose: To provide a budget roadmap for the transition from petroleum to hydrogen in vehicles by 2020)
On page 755, after line 25, add the following:
SEC. 13. FUEL CELL AND HYDROGEN TECHNOLOGY STUDY.
(a) FINDINGS.—Congress finds that—
(1) according to the National Academy of Sciences, "Greenhouse gases are accumulating in Earth’s atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise . . . Human-induced warming and associated sea level rises are expected to continue through the 21st century.");
(2) in 2001, the Intergovernmental Panel on Climate Change (IPCC) concluded that the average temperature of the Earth can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century and “there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities”; and
(3) the National Academy of Sciences has stated that “the IPCC’s conclusion that most of the warming observed over the last 50 years is likely to have been due to the increase in greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue” and that “there is general agreement that the observed warming is real and particularly strong within the past twenty years”; and
(4) a significant Federal investment toward the development of fuel cell technologies and the transition from petroleum to hydrogen in vehicles could significantly contribute to the reduction of carbon dioxide emissions by reducing fuel consumption;
(5) a massive infusion of resources and leadership from the Federal Government.
would be needed to create the necessary fuel cell technologies that provide alternatives to petroleum and the more efficient use of energy; and

(6) the Federal Government would need to commit to developing, in conjunction with private industry and academia, advanced vehicle technologies and the necessary hydrogen infrastructure to provide alternatives to petroleum.

(b) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences and the National Research Council to carry out a study of technologies that provide a budget roadmap for the development of fuel cell technologies and the transition from petroleum to hydrogen in a significant percentage of the vehicles sold by 2020.

(2) REQUIREMENTS.—In carrying out the study, the National Academy of Sciences and the National Research Council shall:

(A) establish as a goal the maximum percentage practicable of vehicles that the National Academy of Sciences and the National Research Council determines can be fueled by hydrogen by 2020;

(B) determine the amount of Federal and private funding required to meet the goal established under subparagraph (A);

(C) determine what actions are required to meet the goal established under subparagraph (A);

(D) examine the need for expanded and enhanced Federal research and development programs, changes in regulations, grant programs, partnerships between the Federal Government and industry, private sector investments, and infrastructure investments that provides a budget roadmap for the development of fuel cell technologies and the transition from petroleum to hydrogen in a significant percentage of the vehicles sold by 2020;

(E) consider whether other technologies would be less expensive or could be more quickly implemented than fuel cell technologies to achieve significant reductions in carbon dioxide emissions;

(F) take into account any reports relating to fuel cell technologies and hydrogen-fueled vehicles in including:

(i) the report prepared by the National Academy of Engineering and the National Research Council in 2004 entitled "Hydrogen: The Path Forward";

(ii) the report prepared by the U.S. Fuel Cell Council in 2005 entitled "Fuel Cells and Hydrogen: The Path Forward";

(iii) the report prepared by the National Petroleum Council.

(G) consider the challenges, difficulties, and potential barriers to meeting the goal established under subparagraph (A); and

(H) with respect to the budget roadmap—

(i) specify the amount of funding required on an annual basis from the Federal Government and industry to carry out the budget roadmap; and

(ii) specify the advantages and disadvantages to moving toward the transition to hydrogen-fueled vehicles in accordance with the timeline established by the budget roadmap.

AMENDMENT NO. 913, AS MODIFIED
(Purpose: To provide a manager’s amendment)

On page 2, strike lines 4 and 5 and insert the following:

SEC. 1500. SHORT TITLE; AMENDMENT OF 1986 CODE.

Beginning on page 2, strike line 5 and all that follows through page 3, line 2, and insert the following:

Subtitle A—Electricity Infrastructure

On page 7, lines 6 and 7, strike "low-head hydroelectric facility or";

On page 8, lines 10 and 11, strike "LOW-HEAD HYDROELECTRIC FACILITY OR NONHYDROELECTRIC DAM" and insert "NONHYDROELECTRIC DAM".

On page 9, strike lines 18 through 20 and insert the following:

("ii) the facility was placed in service before the date of the enactment of this paragraph; and

Beginning on page 8, line 24, strike "the installation" and insert "the installation that follows through page 8, line 9 and insert "there is not any enlargement of the diversion structure, or construction or enlargement of a bypass channel, ".

On page 9, strike through page 9.

On page 26, strike lines 14 and 15 and insert the following:

Section 1397E(c)(2) is amended by inserting ", and subpart H thereof after "refundable credits."

On page 68, lines 8 and 9, strike "the date of the enactment of this Act" and insert "December 31, 2004".

On page 73, line 1, strike "PATRONS" and insert "OWNERS."

On page 90, strike lines 4 through 7.

On page 90, line 21, strike "and, in the case" and all that follows through line 23.

On page 107, line 17, insert "a home inspector certified by the Secretary as trained to perform an energy inspection for purposes of this section" after "(IPITA),".

On page 110, line 22, strike "(2)" and insert "(2)"

On page 143, strike lines 1 through 6, and insert the following:

"(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) for any taxable year shall not exceed—

(A) $2,000 with respect to any qualified solar water heating property expenditures, and

(B) $2,000 with respect to any qualified photovoltaic property expenditures, and

(C) $500 with respect to each kilowatt of capacity of qualified fuel cell property (as defined in section 48(d)(1)(A)), for which qualified fuel cell property expenditures are made.

On page 149, between lines 6 and 7, insert the following:

(1) Section 23(c) is amended by striking "this section and section 1400C" and inserting "this section, section 1400D, and section 1400E".

(2) Section 25(c)(1)(C) is amended by striking "this section and sections 23 and 1400C" and inserting "other than this section, section 23, section 25D, and section 1400C".

(3) Section 1400C(d) is amended by striking "this section" and inserting "this section and section 25D".

On page 149, line 7, strike "(1)" and insert "(4)"

On page 149, line 15, strike "(2)" and insert "(5)"

On page 149, lines 19 and 20, strike "Except as provided by paragraph (2), the" and insert "The".

On page 155, lines 2 and 3, strike "for use in a structure.".

On page 155, line 12, insert "periods" before "before".

On page 210, between lines 19 and 20, insert the following:

(b) WRITTEN NOTICE OF ELECTION TO ALLOCATE CREDIT TO PATRONS.—Section 40(g)(6)(A)(ii) (relating to form and effect of election) is amended by adding at the end the following new sentence: "Such election shall not take effect unless the organization designates the apportionment as such in a written notice mailed to its patrons during the payment period described in section 199(d)(1)."

On page 210, line 20, strike "(b)" and insert "(c)".

Beginning on page 228, line 19, strike all through page 229, line 2, and insert the following:

"(B) within 2 years after the date of such first retail sale, such article is resold by the purchaser or such purchaser makes a substantial nonexempt use of such article, then such sale or use of such article by such purchaser shall be treated as the first retail sale of such article for a price equal to its fair market value at the time of such sale or use.

On page 232, line 21, strike "and".

On page 232, between lines 21 and 22, insert the following:

(i) by adding at the end the following new sentence: "For purposes of this subsection, any removal described in section 4081(a)(3)(A) shall be treated as a removal from a terminal but only if such terminal is located within a secured area of an airport."

AMENDMENT NO. 978

(Purpose: To clarify the definition of coal to liquid fuel technology)

On page 767, strike lines 6 through 15, and insert the following:

(F) facilities that—

(i) generate 1 or more hydrogen-rich and carbon monoxide-rich product streams from the production of coal gas, and are intended to (ii) use those streams to facilitate the production of ultra clean premium fuels through the Fischer-Tropsch process.

AMENDMENT NO. 979

(The text of the amendment is printed in today’s RECORD under “Text of Amendments.”)

AMENDMENT NO. 980

(Purpose: To require an investigation of gasoline prices)

At the appropriate place, insert the following:

SEC. 2. INVESTIGATION OF GASOLINE PRICES.

(a) INVESTIGATION.—Not later than 90 days after the date of enactment of this Act, the Federal Trade Commission shall conduct an investigation to determine if the price of gasoline is being artificially manipulated by reducing refinary capacity or by any other form of manipulation or price gouging practices.

(b) EVALUATION AND ANALYSIS.—The Secretary shall direct the National Petroleum Council to conduct an analysis to determine whether, and to what extent, environmental and other regulations affect new domestic refinery construction and significant expansion of existing refinery capacity.

(c) REPORTS TO CONGRESS.—

(1) INVESTIGATION.—On completion of the investigation under subsection (a), the Federal Trade Commission shall submit to Congress a report that describes—

(A) the results of the investigation; and

(B) any recommendations of the Federal Trade Commission.

(2) EVALUATION AND ANALYSIS.—On completion of the evaluation and analysis under subsection (b), the Secretary shall submit to Congress a report that describes—

(A) the results of the evaluation and analysis; and

(B) any recommendations of the National Petroleum Council.

AMENDMENT NO. 981

(Purpose: To require the Secretary and the Administrator for Small Business to coordinate assistance with the Secretary of Commerce for manufacturing related efforts)

On page 53, strike lines 4 through 8 and insert the following:

Small Business Administration shall make program information available directly to
small businesses and through other Federal agencies, including the Federal Emergency Management Agency and the Department of Agriculture, and coordinate assistance with the Secretary of Commerce for manufacturing-related efforts, including the Manufacturing Extension Partnership Program.

AMENDMENT NO. 982
(Purpose: To require the Secretary to conduct a study of best management practices for energy research and development programs.

On page 755, after line 25, add the following:

SEC. 13. STUDY OF BEST MANAGEMENT PRACTICES FOR ENERGY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) In General.—The Secretary shall enter into an arrangement with the National Academy of Public Administration under which the Academy shall conduct a study to assess management practices for research, development, and demonstration programs at the Department.

(b) SCOPE OF THE STUDY.—The study shall consider:

(1) management practices that act as barriers between the Office of Science and offices conducting mission-oriented research;

(2) best practices for management of research programs that would improve coordination and bridge the innovation gap between the Office of Science and offices conducting mission-oriented research;

(3) the applicability of management practices used by the Department of Defense Advanced Research Programs Agency to research programs at the Department;

(4) the advisability of creating an agency within the Department modeled after the Department of Defense Advanced Research Projects Agency;

(5) recommendations for management practices that would best encourage innovative research and efficiency at the Department; and

(6) any other relevant considerations.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under this section.

AMENDMENT NO. 983
(Purpose: To expand the types of qualified renewable energy facilities that are eligible for a renewable energy production incentive.

On page 131, line 20, insert "livestock methane," after "landfill gas.

AMENDMENT NO. 984
(Purpose: To authorize the Secretary to establish a program of research, development, demonstration, and commercial application to maximize the productive capacity of marginal wells and reservoirs.

On page 517, after line 22, insert the following:

SEC. 9. LOW-VOLUME GAS RESERVOIR RESEARCH PROGRAM.

(a) DEFINITIONS OF GIS.—In this section, the term "GIS" means geographic information systems technology that facilitates the organization and management of data with a geographic component.

(b) PROGRAM.—The Secretary shall establish a program of research, development, demonstration, and commercial application to maximize the productive capacity of marginal wells and reservoirs.

(c) DATA COLLECTION.—Under the program, the Secretary shall collect data on—

(1) the status and location of marginal wells and gas reservoirs;

(2) the production capacity of marginal wells and gas reservoirs; and

(3) the location of low-pressure gathering facilities and pipelines; and

(d) the quantity of natural gas vented or flared in association with crude oil production.

(e) ANALYSIS.—Under the program, the Secretary shall—

(1) estimate the remaining producible reserves based on variable pipeline pressures; and

(2) recommend measures that will enable the continued production of those resources.

(f) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to maximize the productive capacity of marginal wells and gas reservoirs, and shall contract with the institution of higher education with GIS capabilities.

(3) STATE GEOLOGISTS.—The organization receiving a grant under paragraph (1) shall collaborate with the State geologist of each State being studied.

(1) PUBLIC INFORMATION.—The Secretary may use the data collected and analyzed under this section to produce maps and literature to disseminate to States to promote conservation of natural gas reserves.

(g) AUTOMATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary to carry out this section—

(1) $1,500,000 for fiscal year 2007; and

(2) $250,000 for each of fiscal years 2008 and 2009.

AMENDMENT NO. 985
(Purpose: To make petroleum coke gasification projects eligible for certain loan guarantees.

On page 767, between lines 21 and 22, insert the following:

(3) PETROLEUM COKE GASIFICATION PROJECTS.—The Secretary is authorized to make loan guarantees under this title available for petroleum coke gasification projects.

AMENDMENT NO. 986
(Purpose: To authorize the Secretary of Energy to make grants to increase energy efficiency, promote siting or upgrading of transmission and distribution lines, and providing or modernizing electric facilities in rural areas.

On page 159, after line 23, add the following:

SEC. 13. RURAL AND REMOTE COMMUNITY ELECTRIFICATION GRANTS.

The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended in title VI by adding at the end the following:

SEC. 609. RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.

(a) DEFINITIONS.—In this section:

(1) the term ‘eligible grantee’ means a local government or municipality, peoples’ utility district, or local not-for-profit, cooperative, or nonprofit, or limited-liability association in a rural area;

(2) the term ‘incremental hydropower’ means additional generation achieved from increased efficiency after January 1, 2005, at a hydroelectric dam that was placed in service before January 1, 2005;

(3) the term ‘renewable energy’ means energy generated from—

(A) a renewable energy source; or

(B) hydrogen, other than hydrogen produced from a fossil fuel, that is produced from a renewable energy source.

(4) the term ‘renewable energy source’ means—

(A) wind;

(B) ocean waves; and

(C) biomass;

(5) the term ‘rural area’ means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants;

(6) the term ‘rural community’ means a community of not more than 10,000 inhabitants; and

(7) the term ‘state’ means—

(A) cadastral; and

(B) or cadastral.

(8) the term ‘State’ means—

(A) a state; and

(B) a state.

(9) the term ‘utility’ means—

(A) ‘utility’; and

(B) ‘utility’.

(10) the term ‘utility district’ means—

(A) ‘utility district’; and

(B) ‘utility district’.

(11) the term ‘utility service area’ means—

(A) ‘utility service area’; and

(B) ‘utility service area’.

(b) GRANTS.—The Secretary shall make grants under this section to States to achieve the purposes described in subsection (a).

(c) RESEARCH AND DEVELOPMENT.—The Secretary shall provide grants to the States to carry out research and development programs to achieve the purposes described in subsection (a).

AMENDMENT NO. 987
(Purpose: To require the Secretary to conduct a study on passive solar technologies.

On page 755, after line 25, add the following:

SEC. 13. PASSIVE SOLAR TECHNOLOGIES.

(a) DEFINITION OF PASSIVE SOLAR TECHNOLOGY.—In this section, the term ‘passive solar technology’ means a passive solar technology, including daylighting, that—

(1) is used exclusively to avoid electricity use; and

(2) can be metered to determine energy savings.

(b) STUDY.—The Secretary shall conduct a study to determine:

(1) the range of levelized costs of avoided electricity for passive solar technologies;

(2) the quantity of electricity displaced under passive solar technologies in the United States as of the date of enactment of this Act; and

(3) the projected energy savings from passive solar technologies for 20, 25, and 50 years after the date of enactment of this Act if

(A) incentives comparable to the incentives provided for electric generation technologies were provided for passive solar technologies; and

(B) no new incentives for passive solar technologies were provided.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study under subsection (b).

AMENDMENT NO. 988
(Purpose: To require the Secretary to conduct a 3-year program of research, development, demonstration and demonstration on the use of ethanol and other low-cost transportable renewable feedstocks as intermediate fuels for the safe, energy efficient, and cost-effective transportation of hydrogen.

On page 489, between lines 20 and 21, insert the following:

SEC. 9. HYDROGEN INTERMEDIATE FUELS RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture,
shall carry out a 3-year program of research, development, and demonstration on the use of ethanol and other low-cost transportable renewable feedstocks as intermediate fuels for the efficient, and cost-effective, transformation of hydrogen.

(b) GOALS.—The goals of the program shall include—

(1) demonstrating the cost-effective conversion of ethanol or other low-cost transportable renewable feedstocks to pure hydrogen suitable for eventual use in fuel cells;

(2) using existing commercial reforming technology or modest modifications of existing technology to reform ethanol or other low-cost transportable renewable feedstocks into hydrogen;

(3) converting at least 1 commercially available internal combustion engine hybrid electric passenger vehicle to operate on hydrogen;

(4) not later than 1 year after the date on which the program begins, installing and operating an ethanol reformer, or reformer for another commercially available internal combustion engine hybrid electric passenger vehicle to operate on hydrogen;

(5) operating the 1 or more vehicles described in paragraph (3) for a period of at least 2 years; and

(6) collecting emissions and fuel economy data on the 1 or more vehicles described in paragraph (3) in various operating and environmental conditions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

AMENDMENT NO. 864

(The text of the amendment is printed in today's Record under "Text of Amendments.")

AMENDMENT NO. 864

Mr. LEVIN. Mr. President, I am pleased to offer, along with Senator COLLINS, an amendment to ensure that the Department of Energy, DOE, carries out the direction in this bill to fill the Strategic Petroleum Reserve, SPR, in a cost-effective manner.

I would like to thank the managers of the bill, Senators DOMENICI and BINGAMAN, and Senators WYDEN and SCHUMER for working with Senator COLLINS and myself so that this amendment can be accepted.

The Energy Bill being considered by the Senate today directs the Secretary of Energy to “as expeditiously as practicable, without incurring excessive cost or appreciably affecting the price of gasoline or heating oil to consumers, acquire petroleum in quantities sufficient to fill the Strategic Petroleum Reserve to [1 billion barrels].”

This amendment will help the DOE ensure that it will acquire oil for the SPR without incurring excessive cost or appreciably affecting the price of gasoline or heating oil to consumers. The amendment is simple. It directs DOE to consider the price of oil and other market factors when buying oil for the SPR. It also directs DOE to minimize the program’s cost to the taxpayer while maximizing our energy security. At the same time, it does not restrict the Secretary of Energy’s discretion to determine how quickly to fill the SPR, or when to put more oil into the SPR.

A nearly identical amendment that I offered with Senator COLLINS was adopted by the Senate by voice vote on the Interior Appropriation Bill for fiscal year 2004. Unfortunately, it was not retained in conference.

Under the amendment, DOE would have the discretion to determine when to buy oil for the SPR, and under which procedures, but DOE would be directed to use that discretion in a way to minimize costs while maximizing national energy security.

The amendment requires DOE to seek public comment on the procedures to be used to acquire oil. The Department would be wise to especially seek comment from energy industry experts and economists as to the effect that filling the SPR can have—and has had—on oil prices. I believe the Department can learn from our experience over the past few years as to the significant effect the SPR fill can have on oil prices.

Since late 2001, the DOE has been steadily adding oil to the SPR. In late 2001, the Reserve held about 560 million barrels of oil; today it holds nearly 695 million barrels. DOE expects to complete its current program to fill the SPR to 700 million barrels in August of this year.

Since early 2002, DOE has been acquiring oil for the SPR without regard to the price or supply of oil. Prior to that time, DOE bought more oil when the price of oil was low and inventories were full, and less oil when the price of oil was high and inventories low. In early 2002, DOE abandoned this market-based approach. Instead, it adopted the current approach, which does not consider cost or any other market factors when buying oil. During this period, the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight. This cost-blind approach has increased the costs of the program to the taxpayer and put further pressure on tight oil markets, boosting oil and gasoline prices to American consumers and businesses.

Any successful businessman knows the saying, “Buy low, sell high.” This is true for oil as well as for pork bellies; for the U.S. Government as well as for oil companies.

In 2002, the DOE’s staff recommended against buying more oil for the SPR in tight markets. As prices were rising and inventories falling, the DOE’s SPR staff warned:

Commercial inventories are low, retail prices are high, and economic growth is slow. The Government should avoid acquiring oil for the Reserve under these circumstances.

The administration disregarded these warnings. SPR deliveries proceeded. As the DOE staff predicted, oil supplies tightened and the price of crude oil increased. American consumers paid the price.

In 2003, the Permanent Subcommittee on Investigations published a report on how this change in DOE policy hurt consumers without providing any additional energy security. The investigation found:

Filling the SPR in tight market increased U.S. oil prices and hurt U.S. consumers.

Filling the SPR regardless of oil prices increased taxpayer costs.

Despite its high cost, filling the SPR in 2002 did not increase overall U.S. oil supplies.

The March report also warned that the deliveries that were then scheduled for later in 2003 would drive oil prices higher because prices were high and inventories were low. This prediction turned out to be accurate.

Many experts have said that filling the SPR during the tight oil markets over the past several years increased oil prices.

In January 2004, Goldman Sachs, the largest crude oil trader in the world, reported “government storage builds will provide persistent support to the markets”—meaning that filling the SPR pushes up prices—and that “government storage builds have lowered commercially available petroleum supplies.”

Bill Greehey, chief executive of Valero Energy, the largest independent refiner in the U.S., criticized the administration for filling the SPR in tight markets. Back when oil was just under $30 per barrel, Mr. Greehey complained that the SPR program was diverting oil from the marketplace:

If that was going into inventory, instead of the reserve, you would not be having $29 oil, you’d be having $35 oil. So, I think they’ve completely mismanaged the strategic reserve.

The airline industry has been one of the industries hardest hit by high oil prices.

Last year, Michael Anderson, the chief executive officer of Northwest Airlines, stated:

U.S. taxpayers and the economy would realize greater economic potential with a more prudent management of this national asset by not further filling the SPR under the current market structure. The DOE should wait for more favorable prices before filling the reserve both today and any time in the future.

Larry Kellner, president and chief operating officer, Continental Airlines, also criticized the DOE’s current SPR policy:

The average price per barrel for 2003 was the highest in 20 years and to date, the price for 2004 is even higher. All the while, our government continues to depress inventory stocks by buying oil at these historic highs and then pouring it back into the ground to fill the strategic petroleum reserve.

The trucking industry also has suffered under high oil prices.

The American Trucking Association urged the DOE to postpone filling the SPR when supplies were tight and prices high:

When the government becomes a major purchaser of oil, it only bids up the price exactly when we need relief. I know that you recently testified to Congress that the SPR fill has a negligible impact on the price of crude oil, but we politely disagree.

Many energy industry economists and analysts have stated that filling the SPR in a tight market increases prices.

Energy Economist Philip Verleger estimated that in 2003 the SPR program added $8 to $10 to the price of a barrel of oil.
Economist Larry Kudlow said:

Normally, in Wall Street parlance, you’re supposed to buy low and sell high, but in Strategic Petroleum Reserve actions, we’re buying higher and higher and that has really helped oil prices.

In a May 2004 analysis, PFC Energy, a leading oil industry consulting firm, concluded:

The Bush Administration has actually been helping OPEC to keep spot prices high and avoid commercial stock increases by taking crude out of the market and injecting significant volumes into the SPR.

Last March, in an article explaining why oil prices are so high, The Economist commented:

Despite the high prices, American officials continue to buy on the open market to fill their country’s strategic petroleum reserves. Why buy, you might ask, when prices are high, and thereby keep them up? The Senate has asked that question as well. It passed a non-binding resolution this month calling on the Bush administration to stop Strategic Petroleum Reserve (SPR) purchases; but Spencer Abraham, the energy secretary, has refused. “The Economist, March 27, 2004.

I ask unanimous consent to have printed in the RECORD additional comments as to how filling the SPR during the tight markets over the past several years has boosted oil prices.

The administration continues to have its hands tied on the Strategic Petroleum Reserve, particularly with candidate Kerry’s ‘high ground’ proposal to suspend purchases. But Bush in a momentary view, New England Cable News, April 4, 2004, 8:59 pm.

At a time when supplies are tight and prospects for improvement are grim, Bush continues to authorize the purchase of oil on the open market for the country’s Strategic Petroleum Reserve. Bush is buying serious quantities of oil in a high-price market, helping to keep it that way.” Thomas Olp, Blatant Bush, in Perceptive vs. reality, CBS MarketWatch, April 6, 2004.

He pointed out that Senator Carl Levin, D-Mich., had a good idea earlier this month in proposing earlier this month cutting back the contribution level to the Strategic Petroleum Reserve, which Kerr said is 93 percent full. By reducing the input, it could provide a great deal more supply to help rein in prices in a bit.” CBS MarketWatch, Gasoline, crude prices pull back, April 23, 2004, referring to the view of energy analyst Kevin Kerr, editor of Kwest Market Watch.


Kudlow said the Bush administration could have stopped filling the SPR, saying “it’s not the best move to start filling the SPR when commercial inventories were at 30-year lows.” John Kilduff, in Perception vs. reality, CBS MarketWatch, May 7, 2004.

Fadel Gheit, oil and gas analyst at Argus, in Kilduff said the Bush administration has actually been helping OPEC to keep spot prices high and avoid commercial stock increases by taking crude out of the market and injecting significant volumes into the SPR.” Argus, January 26, 2004.


The act of building up strategic stocks dilutes supply and drives up prices.

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June 22, 2005

CONGRESSIONAL RECORD — SENATE

S7063

With oil and more than $40 a barrel and the federal government running a huge deficit, it should take a timeout on filling the stockpile until crude prices come down from record levels. That would relieve pressure on the petroleum market and ameliorate gasoline prices." Houston Chronicle, Keep the oil in it, but take a timeout on filling it, May 18, 2004.

"They tell Saudi Arabia to produce more oil. Then they put it into the Strategic Petroleum Reserve, but that just doesn’t make any sense at all." Bill Gheehey, CEO of Valero Energy, Washington Post, May 18, 2004.

"The Bush administration contributed to the oil price squeeze in several ways, according to industry experts. First, it failed to address the fact that demand for gasoline in the United States is increasing sharply, thanks to ever more gas guzzlers on the road and longer commutes. The administration also continued pumping 120,000 barrels a day of crude into the Strategic Petroleum Reserve, making a tight market even tighter." David Ignatius, Homemade Oil Crisis, Washington Post, May 25, 2004.

"How can the administration rectify its mistakes? It could calm the market by moving away from its emergency-only stance. It could also use oil to add to its strategic reserve. The government has done a good job making sure that the reserve is at its 700-million-barrel capacity. But now that we are close to the goal there is no reason to keep buying oil at exorbitant prices." Edward L. Morse and Nawaf Obaid, The $40-a-Barrel Mistake, New York Times, May 25, 2004.

"President Bush’s decision to fill the reserve after the terror attacks of September 2001 has been one of the factors driving up oil prices in recent months, along with reports that China, which recently surpassed Japan as the second-largest importer of oil, is going ahead with plans to build its own petroleum reserve." Simon Romero, If Oil Supplies Were Disrupted, Then... New York Times, May 26, 2004.

"The oil price run-up and scarcity of private inventories can be laid squarely at the White House’s door. Since Nov. 13, 2001 private companies have been forced to compete for inventories with the government." Steve Hanke, Oil and Politics, Forbes, August 16, 2004.

Mr. LEVIN. In summary, this amendment directs DOE to use some common sense when buying oil for the SPR. It urges DOE to buy more oil when prices are relatively low and supplies are ample, and less oil when prices are high and supplies scarce. This approach supports our energy and national security interests and at the same time protects American consumers and businesses. It also protects the taxpayer from excessive costs due to high oil prices.

I again thank the managers and Senators COLLINS and WYDEN for their efforts so that this amendment can be accepted.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period for morning business with Senators permitted to speak up to 10 minutes each.

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

REMEMBERING JUNETEENTH

Mr. FRIST. Mr. President, this June 19th marked the 140th anniversary of Juneteenth, the day our Nation finally ended the immoral and heinous institution of slavery.

On June 19th, 1865, three years after President Lincoln issued his Emancipation Proclamation, a quarter million slaves living in Texas learned that they were free from Union General Gordon Granger.

He told the people of Texas: "That in accordance with a Proclamation from the Executive of the United States, all slaves formerly held as such, are henceforth and forever free, and the connection heretofore existing between them becomes that between employer and free laborer." The term "Juneteenth" is derived from a combination of the words "June" and "nineteenth", referring to the official date of the Texas announcement, although the holiday is now celebrated on the third Saturday of June.

Following their emancipation, African Americans continued to confront immense hardships in the face of economic, social, and political disfranchisement imposed by a brutally repressive social system. In States such as Arkansas, the Jim Crow order relied on institutionalized racism to maintain the social, economic, and political subjugation of the races.

Mr. LEVIN. In commemoration of Juneteenth, I urge my colleagues to reflect on our freedom, acknowledge the legacy of slavery, and celebrate the achievements of African-Americans around our Nation.

Juneteenth should also be a time to celebrate and remember the men and women who brought us freedom and equality: The brave Union soldiers who fought to make men free; the civil rights pioneers who began a struggle against slavery and the beginning of the long struggle for civil rights.

For all Americans Juneteenth is a time to celebrate freedom: to reflect on it with picnics, concerts, festivals, seminars, and celebrations. It is a time of joy and a time to remember the achievements of African-Americans around our Nation.

In commemoration of Juneteenth, I urge my colleagues to reflect on our freedom, acknowledge the legacy of slavery, and celebrate the achievements of the civil rights movement.

Mr. FRIST. Mr. President, on Saturday, June 18, 2005, Americans honored the 140th anniversary of Juneteenth, the oldest known celebration commemorating the abolition of slavery in the United States. This day celebrates African American freedom and gives us a chance to reflect upon our Nation’s history, our present, and our hope for the future.

On June 19, 1865, MG Gordon Granger arrived in Texas to proclaim emancipation to Texas slavery. Though President Lincoln had delivered his Emancipation Proclamation more than 2 years earlier, this date marks the first time slaves in Texas and other surrounding States learned of their liberation. General Granger stated, "The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, the connection heretofore existing between them becomes that between employer and free laborer." The term "Juneteenth" is derived from a combination of the words "June" and "nineteenth", referring to the official date of the Texas announcement, although the holiday is now celebrated on the third Saturday of June.

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Mr. LEVIN. In summary, this amendment directs DOE to use some common sense when buying oil for the SPR. It urges DOE to buy more oil when prices are relatively low and supplies are ample, and less oil when prices are high and supplies scarce. This approach supports our energy and national security interests and at the same time protects American consumers and businesses. It also protects the taxpayer from excessive costs due to high oil prices.

I again thank the managers and Senators COLLINS and WYDEN for their efforts so that this amendment can be accepted.

TRIBUTE TO PATRICK HENRY HUGHES

Mr. McConnell. Mr. President, today I honor a young and accomplished musician from my home State of Kentucky. Patrick Henry Hughes, a