

be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under title II, or any other action taken by the Attorney General or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.

#### SEC. 510. VOTERS WITH DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(5) Curbside voting does not allow the voter the right to vote in privacy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

#### SEC. 511. ELECTION DAY HOLIDAY STUDY.

(a) IN GENERAL.—In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment, shall provide a detailed report to the Congress on the advisability of establishing an election day holiday, including options for holding elections for Federal offices on an existing legal public holiday such as Veterans Day, as proclaimed by the President, or of establishing uniform weekend voting hours.

(b) FACTORS CONSIDERED.—In conducting that study, the Commission shall take into consideration the following factors:

(1) Only 51 percent of registered voters in the United States turned out to vote during the November 2000 Presidential election—well below the worldwide turnout average of 72.9 percent for Presidential elections between 1999 and 2000. After the 2000 election, the Census Bureau asked thousands of non-voters why they did not vote. The top reason for not voting, given by 22.6 percent of the respondents, was that they were too busy or had a conflicting work or school schedule.

(2) One of the recommendations of the National Commission on Election Reform led by

former President's Carter and Ford is "Congress should enact legislation to hold presidential and congressional elections on a national holiday". Holding elections on the legal public holiday of Veterans Day, as proclaimed by the President and observed by the Federal Government or on the weekends, may allow election day to be a national holiday without adding the cost and administrative burden of an additional holiday.

(3) Holding elections on a holiday or weekend could allow more working people to vote more easily, potentially increasing voter turnout. It could increase the pool of available poll workers and make public buildings more available for use as polling places. Holding elections over a weekend could provide flexibility needed for uniform polling hours.

(4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Any new voting day options should be sensitive to the religious observances of voters of all faiths and to our Nation's veterans.

#### SEC. 512. SENSE OF THE SENATE ON COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.

It is the sense of the Senate that full funding shall be provided to each State and locality to meet the requirements relating to compliance with election technology and administration pursuant to this Act.

#### SEC. 513. BROADCASTING FALSE ELECTION INFORMATION.

In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment shall provide a detailed report to the Congress on issues regarding the broadcasting or transmitting by cable of Federal election results including broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

#### SEC. 514. SENSE OF THE SENATE REGARDING CHANGES MADE TO THE ELECTORAL PROCESS AND HOW SUCH CHANGES IMPACT STATES.

It is the sense of the Senate that—

(1) the provisions of this Act shall not prohibit States to use curbside voting as a last resort to satisfy the voter accessibility requirements under section 101(a)(3);

(2) the provisions of this Act permit States—

(A) to use Federal funds to purchase new voting machines; and

(B) to elect to retrofit existing voting machines in lieu of purchasing new machines to meet the voting machine accessibility requirements under section 101(a)(3);

(3) nothing in this Act requires States to replace existing voting machines;

(4) nothing under section 101(a) of this Act specifically requires States to install wheelchair ramps or pave parking lots at each polling location for the accessibility needs of individuals with disabilities; and

(5) the Election Administration Commission, the Attorney General, and the Architectural and Transportation Barriers Compliance Board should recognize the differences that exist between urban and rural areas with respect to the administration of Federal elections under this Act.

Amend the title so as to read: "An Act to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and for other purposes."

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak for up to 20 minutes on the energy bill.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator may proceed.

#### NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. ALLEN. Mr. President, I rise today to discuss the much needed energy security legislation that is before the Senate.

This week, at the very moment we debate this very important landmark legislation, we are seeing a confluence of factors in our energy supply and demand that amounts to what one might call the "perfect storm."

There have been few other times in the history of our nation where we have seen such a stark demonstration that our national security interests are synonymous with our energy security. And here are—in this "perfect storm"—the various storm fronts that are coming together and colliding to produce some very ominous results for the American people, their families, and small businesses.

The travel season is heading into its annual peak as more and more Americans hit the road, and those numbers are higher than usual because of people's fear of flying or the aggravation, the stress of commercial air travel due to security concerns and desires.

Refineries are also beginning their annual changeover from winter fuels to specially formulated, cleaner burning summer fuels that cost more to produce. Those increased costs at refineries, that are already running at near capacity, will be passed on to the American consumer.

In recent weeks, the Israelis have taken strong action to defend themselves from the escalating growth of heinous suicide bombings in Israel.

In response to all of this, the dictator of Iraq, Saddam Hussein, has pledged to embargo Iraq's oil exports for 30 days or until Israel withdraws from Palestinian territories.

The Associated Press quoted Saddam as saying:

The oppressive Zionist and American enemy has belittled the capabilities of the [Arab] nation.

Combine all of these factors together, and the price of gasoline has increased about 25 cents a gallon in just the last few weeks. This is the sharpest increase in a 4-week period since the year 1990, right before the gulf war.

The price of a barrel of oil has risen to about \$26 a barrel as of yesterday, and many projections indicate the price will spike to more than \$30 a barrel.

The problem is one of basic economics that a fourth grade student in Virginia would understand, or as the Presiding Officer would certainly agree, a fourth grade student in West Virginia

as well. I hope that the Senate also understands this very basic, simple matter of high demand and inadequate supply. Even as the demand for oil is rising, supply is constrained this year because the nations in OPEC have cut production since the end of the year 2000 by a total of about 5 million barrels of oil per day.

The result is financial hardship for families and enterprises that pay more out of pocket for their basic transportation needs. It is a loaded weapon aimed at our economy, which appears to be moving slowly on the road to recovery.

I wholeheartedly support a balanced energy policy, including conservation and new, advanced technologies, such as hydrogen-fuel-cell-powered vehicles, electric vehicles, hybrid vehicles, and clean coal technology. We are the "Saudi Arabia of coal." I know the Chair shares my desire in working for clean coal technologies—and also solar photovoltaic technology.

But at the same time, we must increase our American-based production to become less reliant and dependent on foreign sources of oil.

Rising tensions in the Middle East will further increase our prices at the gas pump, damage job opportunities, and take more money from working people. This increased cost in fuel will ultimately cause an increase in the cost of goods and products, 95 percent of which come by truck to some store or directly to your home.

Please be aware that the United States continues to import nearly 1 million barrels a day from Saddam Hussein. This is the same man who turns around and compensates the families of suicide bombers at a rate of \$25,000. You could say that the compensation for 1 murderer is equivalent to about 900 barrels of oil that the United States and other nations buy from Saddam Hussein. We can no longer afford to let Saddam Hussein quite literally put us over the barrel.

At a time when Iraq is calling for an OPEC embargo on oil sales to America, environmentally safe production in a small and desolate place on the barren Arctic Plain on the North Slope of Alaska could alone replace more than 35 years of Iraqi oil imports. The potential is enormous for large oil reserves relatively near that of the current production at Prudhoe Bay—about 16 billion barrels. Conservative estimates state that ANWR has more oil than all of Texas.

I read that the Senator from Connecticut yesterday said it would take 10 years to get oil flowing from the North Slope of Alaska and this ANWR area. Let's assume it would take 10 years. Maybe this decision should have been made 10 years ago. Indeed, this Senate, in 1995, as well as the House, passed exploration permission legislation in 1995. Unfortunately, that legislation and that permission to explore ANWR was vetoed by the President in 1995. If that had not been vetoed, that oil would be flowing and we would not have as great a dependence on foreign oil, much less Saddam Hussein.

Also, there are groups of opponents. Many of those groups were also the opponents who were against the Prudhoe Bay production several decades ago. Thank goodness, reason and security prevailed and we are getting oil through the pipeline from Prudhoe Bay.

The reality is, with the infrastructure and the Trans-Alaska Pipeline less than about 50 miles away, just a few years of work are needed to get oil flowing from ANWR. The pipeline is already built. We just need to get that 50 mile span built from Prudhoe Bay to the exploration site at ANWR. It is not quite the magnitude of a project back in the 1970s.

The amount of oil we will be getting from there is about the same as what we could replace from 30 years of Saudi Arabian imports. And on top of it all, there are estimates—I will admit this is on the high side—of the creation of as many as 735,000 new jobs. The estimated oil at ANWR is valued at more than \$300 billion, which could replace a large portion of foreign oil imports and clearly create hundreds of thousands of jobs for our economy.

Again, the North Slope of Alaska, the Arctic Plain, or ANWR, is not some mountainous, beautiful sanctuary. It is a flat, barren, cold, inhospitable place, and the small local population nearby is virtually unanimous in its desire to see the utilization of the resources beneath that frozen tundra. As it is very nearby, and similar to Prudhoe Bay, and as has been seen from studies, there will be no adverse impact on caribou or mosquitoes, which are plentiful in the summer, or other flora and fauna.

I support environmentally responsible exploration and production at ANWR to help at least ameliorate our dependence on OPEC. The announcement of curtailed exports by Iraq should remind us more than ever that our economy and national security will remain bound together as long as we allow tyrants and despots to control our destiny.

In addition to the Middle East, the political dispute in Venezuela has left their oil industry crippled as labor groups have staged a nationwide strike.

Simply put, we are entirely too dependent on foreign oil and we must expand our domestic production. We must also improve our energy security by identifying and developing new energy opportunities. Diversification of energy supplies is basic to our comprehensive national energy policy. We should encourage new, cooperative trade arrangements and new resources in willing prospects throughout the world.

All of these initiatives, discussions, and cooperative efforts are aimed at fulfilling just one part of our national energy policy, which is the diversification of our international sources of supply.

A commonsense, comprehensive, long-term energy plan will get us off this roller coaster of restrictive supply

and demand that we have ridden for the past several decades. We must not allow the Saddam Husseins of the world to jerk us around and actually run that roller coaster.

President Bush's energy plan is comprehensive. It combines conservation and incentives for the development of alternative energy sources. I look forward to voting for tax incentives for alternative-fueled vehicles. It also includes increased domestic production. An energy policy without all of these components will not be effective.

We have a responsibility to the American people to address these challenges head on. If you think the situation is dire today, take a look just a short time from now into the future. Over the next 20 years, U.S. oil consumption is projected to increase by 33 percent and demand for electricity is projected to increase by 45 percent. Our dependence on foreign sources of oil will grow from 55 percent today to 64 percent by the year 2020. This compares to just 42 percent from foreign sources less than 10 years ago.

Clearly, we can see that something must be done, and soon. I am committed to working for commonsense solutions based upon sound science and the best available technologies so that all Americans can have affordable, reliable access to energy to fuel our motor vehicles, our homes, our farm operations, and our business operations across America.

I am also committed to making fuller use of the resources we have within our own borders in States that are supportive. While there may be oil off the coast of California, the people of California are opposed to oil development off their coast. Therefore, I respect their desires and would not support oil exploration off California.

In Alaska, Republicans, Democrats, Eskimos, Indians, all people are overwhelmingly in favor of production in ANWR.

There are other groups that support production on the North Slope of Alaska—groups such as the Vietnam Veterans Institute. I quote from them:

War and international terrorism have again brought into sharp focus the heavy reliance of the U.S. on imported oil. During these times of crises, such reliance threatens our national security and economic well-being. . . . It is important that we develop domestic sources of oil.

Organized labor. This is from Jerry Hood of the International Brotherhood of Teamsters:

America has gone too long without a solid energy plan. When energy costs rise, working families are the first to feel the pinch. The Senate should follow the example passed by the House and ease the burden by sending the President supply-based energy legislation to sign.

The Hispanic community. I quote from Mario Rodriguez, president of the United States-Mexico Chamber of Commerce:

We urge the Senate leadership to pass comprehensive energy legislation. This is not a partisan issue. Millions of needy Hispanic families need your support now.

From Jewish organizations, Mort Zuckerman, chairman of the Conference of Presidents of Major American Jewish Organizations:

The [Conference] at its general meeting on November 14th unanimously supported a resolution calling on Congress to act expeditiously to pass the energy bill that will serve to lessen our dependence on foreign sources of oil.

African-American groups. Harry Alford, chairman of the National Black Chamber of Commerce, states:

Our growing membership reflects the opinion of more and more Americans all across the political spectrum that we must act now to end our dependence on foreign energy sources by addressing the nation's long-neglected energy needs.

And Bruce Josten of the U.S. Chamber of Commerce stated:

The events of September 11 lend a new urgency to our efforts to increase domestic energy supplies and modernize our nation's energy infrastructure.

The point of all this is that it has broad, bipartisan support across the country, not just in Alaska. I also add that this is not simply a matter of our economic security our physical security is also at stake.

I challenge my colleagues to join Americans in this effort. Let's make America the most technologically advanced nation in the world for new sources of energy to propel our motor vehicles and to provide clean, efficient electricity. Let's also make sure we are less dependent upon unpredictable and, in some cases, threatening foreign sources of oil. Let's control our own destiny more than we have in the past. Let's move forward united for America's bright future.

Thank you Mr. President and I yield the floor.

The PRESIDING OFFICER. The Chair heard a clap from the gallery. Those here now, or at any time in the future, if that occurs again, they will be removed by the Sergeant at Arms under the rules of the Senate. That is not allowed and will not be tolerated.

The Senator from Nebraska is recognized.

AMENDMENT NO. 3114

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent to speak for up to 15 minutes in conjunction with my opposition to the Feinstein amendment, which has been introduced on the energy bill.

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

Mr. NELSON of Nebraska. Mr. President, this amendment and other California amendments are outside the agreement and would negatively impact the renewable fuels standard contained in the bill. While I generally respect and certainly admire my colleagues from California, who are joined by my colleagues from New York in this particular situation, I must depart

from their point of view and take this opportunity to explain that the facts do not support their amendment.

The renewable fuels standard is the culmination of 20 years of sound public policy. We have all worked at the State, local, and Federal levels to make sure we have brought together the best kind of public policy for energy as it relates to renewable fuels. This standard will almost triple production of biofuels over the next 10 years. The RFS, as it is known, will accelerate the biorefinery concept so that a wide range of cellulosic biomass feedstocks will cost-effectively be converted into biofuels, bioelectricity, and biochemicals.

Enactment of the RFS, along with other provisions in this bill, will emphasize new sources of energy production from biomass to wind power, as well as conservation, to further reduce our dependence upon foreign sources of energy. As the previous speaker, my colleague, Senator ALLEN, pointed out, this 100-year-old reliance on fossil fuels and on fuels from unstable parts of the world has put us in a position of instability. So this RFS is essential in helping us reverse this 100-year-old reliance on fossil fuels and on unstable governments. Enactment of this bill will strengthen national and energy security and improve our environment at the same time.

If you will look at this poster, according to a recent study conducted by AUS Consultants, adoption of the RFS will:

... displace 1.6 billion barrels of oil over the next decade; reduce our trade deficit by \$34.1 billion; it will increase new investments in rural communities by more than \$5.3 billion—and this is all domestic, all money that will inure to the benefit of Americans. It will also boost the demand for feedgrains and soybeans by more than 1.5 billion bushels over the next decade; it will create more than 214,000 new jobs throughout the U.S. economy, and it will expand household income by an additional \$51.7 billion over the next decade.

These days, we are witnessing substantial increases in gasoline prices at the pump because of disruption and turmoil in the Middle East. Gasoline prices are not going up because we are using ethanol; they are rising because we are not using enough ethanol. Over the next 10 years, the renewable fuels standard in S. 517 would increase United States gasoline supplies to 5 billion gallons per year in 2012, slightly less than the volume of crude oil we currently import from Iraq. That will come from the addition of these biofuels that will come from the renewable fuels standard. It will be bad public policy for us to eliminate the existing oxygenate standard without replacing it with the renewable fuels standard. That is exactly what S. 517 does.

I congratulate California Governor Gray Davis for his support of the RFS section of S. 517. He recently declared:

Let's let the Daschle bill pass, have a nice schedule that will affect the entire country, phase in ethanol and protect the environment.

He also said:

All we need to do is use about 250 or 275 million gallons of ethanol, which we already do and are prepared to do in the future.

Governor Davis recently delayed his ban on MTBE in California for 1 year, coinciding with the initiation of the renewable fuels standard, RFS, and his acceptance of that RFS package is the best option to meet California's current and certainly its future gasoline needs. This, in large part, is due to the fact that a Federal RFG with an MTBE ban would require about 700 million gallons of ethanol annually in California.

The next alternative would be a program to eliminate the current minimum oxygen standard, a ban on MTBE, and retain the existing winter-time carbon monoxide program using ethanol. This would require about 500 million gallons of ethanol annually.

In contrast, the Daschle-Lugar-Nelson RFS requires California refiners to use only about 250 million gallons of ethanol annually.

Finally, the RFS provision contained in the bill allows "credit training," which provides the option of reducing California's ethanol use to zero, with a cost of less than 2 cents per gallon.

Lest anyone thinks this is somehow a plan or decision by the States in the Midwest to support their own economies to the detriment of economies elsewhere, Governor Pataki from New York, and Governor Shaheen of New Hampshire, representing the Northeast States for Coordinated Air Use Management, and other Governors belonging to the Governors' Ethanol Coalition, have also signed a joint letter supporting the renewable fuels standards. These are Governors from all over the country.

I also remind my colleagues that the RFS agreement was unprecedented in that it was accepted through the extensive and cooperative work of the ethanol and biodiesel industries, their associations, most farm and agricultural groups, the environmental and renewable energy communities, and the American Petroleum Institute.

All of us, each and every one of us, is aware of how dangerously close we are to an overdependence on imported oil. As Senator ALLEN said, currently we are over 56 percent dependent on foreign sources, and it will rise to over 60 percent in the very near future.

Too many of these supplies come from troubled nations in the Middle East, the Caspian Basin, and Indonesia where almost 80 percent of the world's reserves are located.

As our colleague from North Dakota, Senator DORGAN, warned recently, we must recognize this vulnerability because it also extends to the potential of terrorist attacks on oil supply lines. An attack on our oil supply lines anywhere in the world would have us on our backs overnight.

The RFS is critical to the process of reducing our dependence on oil imports

through the advancement of domestically dispersed renewable and environmentally benign technologies that will generate new industries, high-quality jobs, economic activity, and rural development, while at the same time expanding national and local tax bases. This is, in fact, a win-win for everyone in America.

Ethanol opponents claim that it takes more energy to make ethanol than is contained in the fuel. This is simply not the case. The most recent USDA report shows an increase in the net energy balance of corn ethanol from 1.24 in 1995 to 1.34 in 2002, and that new technologies continue that improvement. Furthermore, only 17 percent of the energy that goes into farming and ethanol plant operations is from liquid fuels, and with the advent of biodiesel and advanced farming practices, this number continues to drop and will continue to do so into the future.

Some opponents also claim that the price of gasoline could double. The issue of consumer cost is clearly important to all sectors of our Nation, certainly to the Midwest as well as to the West and the East. But historically, ethanol serves as a buffer to higher prices. It does so by actually extending supplies. It provides an alternative to costly imported oil and leverage for independent gasoline marketers to compete against the larger, more powerful integrated oil companies.

According to the Society of Independent Gasoline Marketers of America:

The Federal benefits afforded ethanol-blended fuels have been an important pro-competitive influence on the Nation's gasoline markets. By enhancing the ability of independent marketers to price compete with their integrated oil company competitors, this program has increased independent marketers' economic viability and reduced consumers' costs of gasoline.

On April 8 in Los Angeles, San Francisco, and the New York metropolitan areas, the price of ethanol-blended premium midgrade and regular ranged from .0133 to .0327 cents per gallon. So availability is not going to be a problem and neither is price.

Today and into the near future, ethanol will be in abundant supply because of market conditions and all the new plants that will be coming online.

This chart shows the past, present, and predicted growth of the ethanol capacity, and one can see that as it goes into this new century, the incline is rather steep. Some worry about ADM's control over the market and their ability to control prices, but their influence is dissipating, being replaced by farmer, rancher, and community-owned plants. It is not concentrated within only one industry or within one producer. It is widely spread out over all kinds of operations, from the small to the medium size to the large.

To attack some other myths, there are some claims that ethanol does not contribute to cleaner air, and that is not true. There is no question that eth-

anol blends reduce carbon monoxide and carbon dioxide, but most areas with polluted air are worried about ozone.

The good news is that 3 years of clean air quality data in the Chicago/Milwaukee area show that it is possible to effectively reduce ozone emissions while using ethanol blends. These blends also reduce air toxins, such as the carcinogen benzene.

The defeat of the renewable fuels standard in S. 517 would be a great loss to the national energy and economic security of the United States. The real tragedy would be a further loss to the Europeans as they advance their bio-refinery technology to produce biofuels, bioelectricity, and biochemicals from a wide range of biomass, including much of which is wasted or ends up in landfills.

If there is a myth that somehow this is going to simply affect our food supply by providing alternative use, it is very clear to understand that ethanol can be made from any kind of biomass, including that which is waste, that which is garbage, that which is discarded and ends up in landfills.

As technology continues to increase, we will have more and more sources for a renewable resource that will come from those production sources that currently have other means of disposal. Unfortunately, some of them are disposed only in landfills.

The RFS provides a credit of 1.5 for biofuels made from cellulosic biomass, oilseeds, tallow, animal fat, and yellow grease compared to 1 credit for ethanol made from starch and sugar crops; that is, every gallon of these fuels is equal to 1.5 gallons in meeting the renewable fuels standards. In fact, it does go to other kinds of biomass. Consequently, the RFS will provide the stimulus and the market for biofuels needed to produce the next generation of bio-refineries.

In the past, it has always been the question of how you can create the demand or whether you create the supply and hope, in fact, it will create the demand. This bill with the RFS in it creates both the demand and the opportunity and the incentive for more supplies in a cost-effective and a very environmentally friendly and very economically friendly manner.

During my two terms as Governor, I watched firsthand as the private sector invested hundreds of millions of dollars in new community-based ethanol plants. We went from one operating plant to more than seven when I left, and there continues to be more plants built around the State and a great deal of interest in further expanding the plants, depending on the passage of S. 517.

These investments occurred primarily in response to the demand created by the Clean Air Act's oxygenate requirements. Not one of those plants is owned by AD in Nebraska. Farmers and ranchers own most of them.

The ethanol industry in Nebraska has been one of the few bright spots in

an otherwise underperforming agricultural economy, thereby creating quality jobs, increasing farm income, and, in some instances, maybe providing the only farm income by adding value to farmers' products and expanding local tax bases.

This is, in fact, sound public policy, and we should be doing more, not less, of it. If we are going to eliminate the oxygen requirement that has been proposed, then we must be sure to put in its place the renewable fuels standard in S. 517. The RFS is sound public policy. The provision will increase gasoline supplies and consequently serve to lower gasoline prices. It will have a positive impact on the Farm Belt economy and also reduce energy costs for other areas of the country. This is truly a national plan to control costs, spur economic activity, and reduce our dependence on foreign oil.

I ask my colleagues to vote to preserve the historic agreement manifested in the RFS. To do otherwise will certainly face us in the wrong direction, a step backwards, into deeper dependence on imported oil.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. 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. NELSON of Nebraska. If I still have time left, I am happy to use it.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, earlier today, my colleagues from California and New York quoted extensively from an Energy Information Agency report which they said indicated the RFS would result in gasoline price increases from 4 cents to almost 10 cents per gallon.

We have read this report, and it is difficult for us to understand how they arrived at those cost figures when our reading of the report sets the increase at prices up to 1 cent per gallon for reformulated gasoline and up to a half a cent per gallon compared to the referenced case. This is with the reformulated fuel standard without the MTBE ban.

When there is an MTBE ban, there would then be a greater demand for gasoline that would drive prices up. The availability of ethanol to add volume as an additive and boost octane would put downward pressure on prices, which is what has been shown elsewhere in the country. So we are at a loss as to how that was arrived at.

There also was a suggestion there might be the possibility that ethanol-blended gasoline could extend the benzene plume and contaminate the ground water in the event of leaking tanks or spills.

Nebraska is the home of ethanol. It was first called gasohol. It has been

used extensively for the past 20 years. I have used it for as long as I can recall. There is absolutely no evidence of benzene-contaminated water supplies resulting from the use of ethanol in Nebraska, and we are not aware of anywhere else where ethanol has been used extensively or even modestly where there has been an increase in benzene.

It is going to boost the octane of gasoline, and I think most people looking at science will conclude it permits the reduction of aromatics, including benzene. We found that ethanol-blended gasoline in Nebraska has considerably less aromatics than unblended gasoline, and we do not understand nor do we follow the logic or the facts that have been presented.

I think it is important to consider the fact we must, indeed, reduce our reliance on foreign sources of oil, and we must, in fact, expand the opportunity for renewable resources so we are not reliant on foreign sources of oil. When we can do this in an environmentally friendly way, and at the same time have the economics of the country advanced, it seems only too sound of logic to conclude we should go the other way. We must, in fact, move forward with the RFS.

So I call on those who would have other information to return and let us debate the issue on the facts as they are.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEVIN). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HAGEL. 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. HAGEL. Mr. President, I wish to speak on the Feinstein amendment for up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HAGEL. Thank you, Mr. President.

Mr. President, in the wake of September 11, America and the rest of the free world now face dramatic new challenges as certainly evidenced by our Secretary of State being in the Middle East today. There are serious consequences to these great challenges. Energy independence is one of these challenges.

Today, less than 1 percent of America's transportation fuel comes from renewable sources. In the energy bill we are debating today renewable fuel would increase to approximately 3 percent of our total transportation fuel supply by 2012.

A few weeks ago, the Senate approved the renewable portfolio standard for electricity which mandates that 10 percent of all electricity must come from certain renewable sources. I note that my colleagues from California and New York in particular voted in favor of that renewable electricity mandate which the Department of Energy has

estimated will cost the ratepayers of America about \$88 billion through 2020.

I note also that my colleagues from California and New York voted for a 20-percent renewable electricity standard. Yet, as I heard this morning, they oppose a 3-percent renewable fuel standard. What is the difference between the renewable fuel standard and the renewable electricity standard?

Here is the difference.

Today, we spend about \$300 million per day on foreign oil imports. We are nearing 60 percent of the total use of our oil coming from other nations. We spend \$12 million a day on Iraqi oil alone—we used to. We did until Saddam Hussein announced this week that Iraq would halt its exports of oil for a month.

With Iraq capping its production, Venezuela imploding, and other producers such as Iran, Libya, and Nigeria sending very troubling signals to the world, America must develop an accountable, responsible, relevant, and workable energy policy that will replace the oil we now import with alternative fuels and renewable fuels produced here in the United States.

Despite the regional differences that sometimes arise, this renewable fuel standard is good for all America. That has been highlighted by the fact that this standard has broad bipartisan support in the Congress. It has been endorsed by a majority of Governors, Democrat and Republican; the Bush administration; agricultural and environmental groups; and the oil and gas industry.

Consider that this standard would replace 66 billion gallons—1.6 billion barrels—of foreign crude oil by 2012. It would reduce the U.S. trade deficit by as much as \$34 billion.

The renewable fuel standard in the energy bill we debate today would also bring a needed boost to our economy. This single provision would create 214,000 jobs nationwide—not in the Midwest but nationwide. It would create \$5.3 billion in new investment nationwide. It would increase household income by \$52 billion nationwide. It would increase net farm income by \$6.6 billion a year, reducing the amount spent on the farm price support program that we are now debating in a conference committee, trying to resolve the differences between the House and Senate agriculture bills. Unfortunately, since this landmark agreement was announced, the opponents of renewable fuels have distorted facts and tried to undermine our bipartisan compromise.

My colleagues from California and New York stated this morning that the renewable fuel standard would result in substantially higher prices at the gas pump. However, they fail to mention that the report by the Energy Information Administration at the Department of Energy stated that over 90 percent of any increased costs would come from the phaseout of MTBE.

They also failed to note that the recent reports by the Energy Information

Administration and the GAO did not take into account the important fact that 13 States have already banned the use of MTBE. The fact is, any increased cost at the pump would be very minimal at most—perhaps a half cent a gallon—if there is an increased cost.

This standard does not require a single gallon of renewable fuel be used in any particular State or region. The additional flexibility provided by the credit trading provisions will result in much lower cost to refiners, and thus, to consumers. Renewable fuels will be used where they are most cost effective.

Others claim since renewable fuels are largely produced in the Midwest, this standard will require substantial investments in increased transportation costs. Again, not true. Ethanol has already transported cost effectively from coast to coast via barge and railcar. An analysis completed in January by the Department of Energy concluded that no major infrastructure barriers exist to expanding the U.S. ethanol industry to 5.1 billion gallons per year, which is comparable to the renewable fuel standard in the energy bill.

I also would like to point out that it is 7,666 miles direct from Baghdad to Los Angeles. It is 1,150 miles from Hastings, NE—home of two ethanol plants—to Los Angeles. If we can transport oil that we pay Saddam Hussein for from Iraq to the United States, we can surely transport ethanol across the United States cost effectively and certainly in the best security interests of our country.

Some have claimed there are not adequate supplies of renewable fuel to meet the demand created by this standard. That is not true. One look at the ethanol industry shows that it has been growing substantially in recent years. It has been growing in anticipation of the phaseout of MTBE—particularly in California.

According to the Renewable Fuels Association, 16 new ethanol plants—14 of them farmer-owned cooperatives, not big companies, which I heard this morning as well, not big companies, but individuals, small farmers banding together, small businesspeople banding together to build cooperatives—several of these expansions have been completed and new ones are being built. Thirteen additional plants are now currently under construction.

A survey conducted by the California Energy Commission concluded that the ethanol industry will have the capacity to produce 3.5 billion gallons a year by the end of 2004, and that capacity could double by the end of 2005. With the standard beginning in 2004 at 2.3 billion gallons, that means there will be an adequate amount of renewable fuel to provide the additional volume needed.

Even with those assurances, we have included in this amendment additional safeguards. If the standard is likely to result in significant adverse consumer impacts, then the EPA Administrator

has the authority to reduce the volumes. Also, upon the petition of a State—any State—or by EPA's own determination, the EPA may waive the standard, in whole or in part, if it determines the standard would severely harm the economy or the environment of a State, a region, or the country.

Even more ludicrous is this claim by some who say the phaseout of MTBE will result in a shortage of fuel supplies. That is not true. Remember this agreement calls for a 4-year phaseout of MTBE.

The large expansion of the renewable fuel industry will easily cover the loss of MTBE, given this 4-year notice. As an example, in California, where polls show that more than 76 percent of the people of California support a ban on MTBE, the fuel industry is ready to make the transition from MTBE to renewable fuel. Why in the world do we think the oil companies agreed to this standard if they thought it could not be met?

All six California refiners are ready to use ethanol now, today. Both the ethanol industry and the California refining and transportation system have spent billions of dollars preparing to use ethanol.

I also keep hearing references to ethanol as an untested fuel. Ethanol has been used across this country successfully for more than 20 years. It is hardly untested. But I also note that the California Environmental Protection Agency completed a comprehensive analysis of ethanol's environmental and health impacts, giving it a clean bill of health, before approving ethanol for use as a replacement to MTBE.

Ethanol has helped the Chicago area become the only ozone nonattainment area in the country to come into compliance with the national ozone standard. Ethanol has been tested, and it has passed. And one of the reasons that Chicago has found itself in that unique position is because of its use of ethanol.

President Bush has proclaimed the promise of renewable fuels by saying recently:

Renewable fuels are gentle on the environment, and they are made in America so they cannot be threatened by any foreign power.

As former President Clinton said during his administration:

Ethanol production increases farm income, decreases deficiency payments, creates jobs in America, and reduces American reliance on foreign oil.

Both Presidents Clinton and Bush are absolutely right. This renewable fuel standard is good for all of America.

I, again, ask my colleagues to support the renewable fuels agreement in the Senate energy bill that we debate today. I do oppose any amendments that would undermine this carefully crafted agreement.

In conclusion, before I yield the floor, I wish to respond to a comment I heard this morning from one of my colleagues from New York. I believe he mentioned something to the effect that

an ethanol bill in Nebraska failed. I am not sure what his point was. But, for the record, and for the edification of all who heard that, and especially my colleague, last year the Nebraska Legislature tried to mandate that every gas station—every gas pump—in the State sell an ethanol blend. Now, that is a bit different—completely different—if that was the parallel attempted to be drawn from this standard, this bipartisan standard that we have agreed to that is currently in the present energy bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I thank the Senator from Nebraska for his leadership in opposition to this amendment, and more importantly for his leadership over the last several months in bringing together unity on this issue that is both bipartisan as well as across industry and economic sectors.

Madam President, there was a time when the States of New York and California were represented by Senators who supported requiring the use of ethanol and other domestic alternative fuels.

In fact, there was a time, less than 3 years ago, when two of the current California Senators and the senior Senator from New York, voted in favor of replacing MTBE with ethanol.

What has changed to cause these Senators to reverse themselves? I frankly don't know.

But there is one thing that has changed since the time New York and California were represented by Senators who supported replacing foreign fuel with domestic alternative and renewable fuels.

Today, more than ever, our national security is at risk because of our dependence upon foreign energy.

Today, more than ever, the Middle East oil and MTBE producers, have us literally, over the barrel.

More than ever. That is the biggest change since the time California and New York Senators supported replacing Middle East oil and MTBE with home grown renewable and alternative fuels.

Yet, today, they come to the floor of the Senate, to offer an amendment which will help assure that Middle East oil and MTBE producers maintain and increase their grip over the United States.

Today, 75 percent of the MTBE California uses, is produced by foreigners.

Saudi Arabia is the largest supplier of California MTBE.

In March of 1999, California's Governor, Gray Davis, issued an executive order, stating that by the end of 2002, all MTBE would be banned from California.

In August of 1999, Senator BOXER of California introduced a Senate resolution, calling for MTBE to be replaced by renewable ethanol. With the help of Senator FEINSTEIN and Senator SCHUMER, that resolution was adopted by

the Senate. That resolution underscored that renewable ethanol should replace MTBE. Why? It specifically stated that ethanol should replace MTBE to reduce our dependence upon foreign energy. It also stated that renewable ethanol should replace MTBE because MTBE was polluting drinking water.

Patriotic American farmers and ethanol producers, in direct response to these two initiatives by California's elected officials, invested \$1.4 billion of their hard earned money to increase ethanol production by 1 billion gallons a year.

By the end of this year, when MTBE was supposed to be banned in California, our Nation's farmers and ethanol producers will be able to produce 400 to 500 million gallons more than is necessary to replace all of California's MTBE.

The California Energy Commission conducted a survey and concluded that by the end of 2004, U.S. ethanol production capacity will reach 3.5 billion gallons a year.

The renewable fuels standard, which these Senators want to gut, requires only 2.3 billion gallons of ethanol to be used starting in 2004. So even by the California Energy Commission's admission, the United States will be producing 1.2 billion gallons above and beyond what is required under the renewable fuels standard.

We are awash in ethanol produced in America's Midwest, yet 3 weeks ago, the Governor of California announced that MTBE can be used for another whole year. It doesn't make sense. Some elected officials would rather force their consumers to use MTBE from the Middle East, instead of ethanol from America's Middle West. They can't seriously be worried about motor fuel prices. How can increasing and diversifying your sources of energy, increase the price of your product?

Today, California has only seven refiners, and its two largest sources for MTBE are foreign. In sharp contrast, there are 61 ethanol plants in 19 States in the United States—two of which are in California.

The California Energy Commission has determined that fuel without oxygenates, such as MTBE or ethanol, will actually be more expensive.

In a recent report, the commission explained and I quote—"non-oxygenated reformulated alternatives are not necessarily easier to produce (than ethanol RFG), would involve significant capacity loss, and would require even more complex logistics."

A recent poll of Californian opinion, conducted by the California Renewable Fuels Partnership, found that 76 percent of likely voters support banning MTBE because we can't afford the pollution caused by MTBE. Only 13 percent of those polled thought that it was a bad idea to ban MTBE because of potential higher gasoline prices.

The concerns expressed by opponents of the renewable fuels standard don't stand up to the facts.

So it boils down to this: If you want to take a positive step toward helping our Nation become less dependent upon foreign energy and the Middle East and to encourage the development of jobs and family income here in the United States, then join me in defeating this attempt to gut the renewable fuels standard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BOND. Madam President, I rise today to address the amendment introduced by my colleagues from New York and California to do away with the renewable fuel standard. I think it is important that we correct some of the misunderstandings, misapprehensions, and misstatements of fact that have gone on in this debate.

First, what does the bill do and what does it not do? The fact is that S. 517 does not require that a single gallon of renewable fuels be used in any particular State or region. The additional flexibility provided by the RFS credit trading system provisions of S. 517 will result in a much lower cost to refiners and thus to consumers. The credit trading system will ensure that ethanol is used where it is most effective.

Now, according to one of the leaders in the petroleum industry, ChevronTexas:

The free market will not allow a California price differential of 20-30 cents a gallon to be sustained. The market will always find a way to take advantage of a much smaller differential.

Furthermore, a nationwide Federal MTBE ban provides certainty for investments and eliminates the greater use of boutique fuels, thereby lowering gasoline prices. The continuation of current policy whereby States may ban MTBE without any regard to regional coordination is more costly than a uniform Federal ban.

Increasing the use of renewable fuels, such as ethanol and biodiesel, diversifies our energy infrastructure, making it less vulnerable to acts of terrorism and increases the number of available fuel options, increasing competition, and reducing consumer costs of gasoline.

A review of the publicly available price information demonstrates that ethanol has been consistently less expensive per gallon in net cost to refiners than MTBE for the last 3 years. In fact, the March 4 issue of Octane Week quotes MTBE at 89 cents per gallon and ethanol at just 60 cents per gallon. Instead of higher prices, ethanol would lower pump prices. While this is undeniably true in conventional gasoline, it is also true in RFG areas. Refiners do incur a small cost per gallon to

produce the RFG ethanol blendstocks, but the lower ethanol price more than makes up for the difference. Thus, replacing MTBE with ethanol should lead to reduced, not increased, consumer gasoline prices.

In other words, it is not accurate to say that the price in Missouri will rise 5.9 cents per gallon or 4 cents per gallon in Wyoming.

My good friend and colleague from New York tells me that in my home State of Missouri, gas prices as a result of the RFS will increase by 5.9 cents per gallon. He went on to tell us all that the increase is based on the unavailability of ethanol, the inability of us to get ethanol in Missouri.

I want to assure the senior Senator from New York that we produce a lot of corn in Missouri, and our friends seem to be ignoring all of the residual economic benefits of ethanol use.

For example, ethanol production increases personal and business income and results in a net savings to the Federal budget of \$3.6 billion annually.

Ethanol also adds over \$450 million to State tax receipts. Ethanol production reduces the taxpayer burden for unemployment benefits and farm deficiency payments.

When you raise the price of corn by increasing the demand, it cuts down on the amount of payments that are made under existing farm programs to people who raise corn.

Ethanol production reduces the unfavorable U.S. trade balance in energy by \$2 billion annually.

Ethanol production increases net farm income by \$4.5 billion, adding 30 cents to the value of every bushel of corn.

Ethanol reduces the consumer cost of gasoline by extending supplies, providing an alternative to more costly imported oil, and leverage for independent gasoline marketers to compete against the larger, more powerful, integrated oil companies.

A recent study found that doubling ethanol production would create nearly 50,000 new jobs, \$1.9 billion in economic development, and increase household incomes by \$2.5 billion.

Some may say: Isn't the ethanol program just corporate welfare? The simple answer is no. The ethanol tax credit is provided to gasoline marketers and oil companies, not ethanol producers, as an incentive to blend their gasoline with clean, domestic, renewable ethanol.

It is a cost-effective program that actually returns more revenue to the U.S. Treasury than it costs due to the increased wages, taxes, reduced unemployment benefits and, most importantly, reduced farm deficiency payments, while at the same time holding down the price of gasoline and helping the American farmer.

In summary, I encourage those who support the amendment against the renewable fuels standard to come out to the heartland where the occupant of the chair and I live to see Nebraska, to

see Missouri, and see what the industry is all about. They can learn the benefits of ethanol, soy diesel, biodiesel, the home-grown renewable fuels to the environment and to the communities and our economy, particularly our rural economy.

Come down to my State and see what the Missouri Corn Growers Association has done to provide value-added opportunities for Missouri farmers. The Missouri Corn Growers Association and the Missouri Corn Merchandising Council provided support for two groups of Missouri farmers seeking to add value to their corn production by processing corn into ethanol. In 1994, Golden Triangle Energy of Craig, MO, and Northeast Missouri Grain Processors of Macon, MO, organized as new generation cooperatives.

The latter, known as NEMOGP, broke ground for their plant on April 17, 1999. I was pleased, proud, and excited to be there. It is now producing 22 million gallons of ethanol per year, and they are in the process of doubling the capacity to make over 40 million gallons.

Similarly, the prospects at Craig are also very promising, and other groups of farmers are looking to build ethanol plants and to build soy diesel plants. We are growing it, we are processing it, we are producing it, and we are ready to sell it. It is going to be good for our trade balance, for our farmers, for our economy, and for the environment.

I believe when one goes to a station that offers the E85 plan—there are 100 of them nationwide: 1 in Kansas City, 2 in St. Louis, 2 in Jefferson City, MO, and they are expected to have more around the country. One can find out about the closest station by checking the Web site of the National Ethanol Vehicle Coalition. One will find one can get good cleaner burning ethanol blended gasoline, and it is available.

Before we decide we are going to back off from this very wise, multiple-benefit usage of renewable fuels, come see in the heartland what a positive deal this is and come see why we in Missouri—I assume my neighbors in States around us—are proud to be using E85 ethanol and B20 soy diesel.

I yield the floor. I urge my colleagues not to support the amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. CARNAHAN. Mr. President, I rise today to add my voice to those who support the ethanol provisions in this legislation. Ethanol is one of our most promising renewable resources. By blending ethanol with gasoline, we can reduce oil imports and reduce the environmental damage of vehicle emissions.

As America struggles to meet its growing energy needs, ethanol provides extraordinary opportunities. The product is made from corn. It can be produced in abundance, unlike other fossil fuels.

The more ethanol we use to fuel our cars and trucks, the less oil we need to import from hostile countries such as Iraq. Rather than looking to the Midwest for energy, we would be far better served to look to the Midwest.

This legislation lays out a plan for increasing the amount of ethanol Americans use to meet their transportation fuel needs.

I find it absurd that some claim these provisions are included in this bill simply for the benefit of ethanol producers. Ethanol is an environmentally safe and economically efficient way to reduce our dependence on foreign sources of oil.

In short, additional use of ethanol to meet our needs for transportation fuel will be good for our environment, good for our economy, and good for our national security interests. Not only do I support the renewable fuels standard we are debating today, I look forward to supporting an amendment that will be offered by the Finance Committee. That amendment incorporates several aspects of legislation that I introduced last year.

Specifically, it will expand eligibility for the tax credit available to small producers of ethanol. These changes will ensure that farmer-owned cooperatives are eligible to receive a tax credit. It will also encourage small producers to expand the size of their operation to meet increased demand. These changes will help us meet the demand for ethanol envisioned by the bill.

Ethanol is truly a win-win solution to our energy needs. The increased use required by this legislation represents a positive step, one for our farmers, for our environment, and for our energy independence. I support the compromise in this bill that will lead to increased uses of ethanol, and I urge my colleagues to support it as well. The renewable fuels standard included in this bill is an important part of a balanced energy policy that we need.

#### TRANSPORT OF SPENT NUCLEAR FUEL

Mr. President, on a separate topic, I would like to discuss an amendment I will be offering next week. Two years ago, the Department of Energy proposed to send a shipment of foreign spent nuclear fuel through Missouri. The route selected went through the heavily populated areas of St. Louis, Columbia, and Kansas City, along a major highway, Interstate 70, that was undergoing major repairs. Governor Carnahan intervened, and an alternate, more rural route was selected. The shipment was completed without incident.

Then last year, Missouri was asked to accept another shipment through the State. Governor Holden raised the same objections that had been discussed the year earlier. And after he

did, a curious thing happened: The Department of Energy held up shipments from a reactor inside Missouri. This reactor produced isotopes used in cancer treatment. If these shipments did not go forward as scheduled, the reactor would have to be closed, halting production of needed medicines for bone cancer patients.

I insisted these two matters—the shipments from the reactor in Missouri and the transport of spent nuclear fuel through the State—be delinked, and they were.

Eventually, Governor Holden worked out a safety protocol with the Department and the foreign spent fuel shipment went forward. Although the shipment was completed, we encountered some problems with the timing of its passage through Missouri.

Our experience in Missouri over the past 2 years suggests the Department of Energy's route selection process deserves careful study. How we deal with spent nuclear fuel in this country may be a matter of great controversy, but regardless of one's position on this topic, everyone ought to be able to agree that when spent fuel has to be transported we want it to be done in the safest possible way.

One of the key components in ensuring safe transport of spent fuel is the process for selecting the safest route. My amendment would commission the National Academy of Sciences study of the Department of Energy's route selection process for shipments of spent nuclear fuel. The National Academy would examine the way DOE picks potential routes, the factors it uses to evaluate the safety of these routes, including traffic and accident data, the quality of roads and the proximity to population centers and venues where people congregate, and the process it uses to compare the risks associated with each route.

There are a number of reasons why it makes sense to commission this study now. First, the responsibility for this program is divided among multiple agencies. The Department of Transportation sets the regulations for transportation of spent nuclear fuel. The Nuclear Regulatory Commission has oversight responsibility and the Department of Energy makes the final decision in consultation with these organizations.

A study will help ensure these agencies are working together and are properly performing their function.

Secondly, these agencies are using regulations drafted in the 1990s. The devastating events of September 11 have taught us we have to rethink all of our security procedures, and while I understand the Nuclear Regulatory Commission has issued some additional guidelines since that date, I believe a complete review is in order and an NSA study will help us ensure that our agencies are focused on the appropriate safety factors.

Finally, Congress will be considering a highway bill next year. If there are

safety problems on routes that are likely to be used for cross-country shipments of spent nuclear fuel, we ought to address them in the highway bill. We need to start the study now, however, if we want to have the information in time for a debate on the highway bill.

This amendment is not intended to take sides on the controversial issue that will soon be before this Senate. Its purpose is to get a neutral, nonpartisan review of an important public safety function that has received very little scrutiny.

I yield the floor.

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

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

#### AMENDMENT NO. 3094, AS MODIFIED

Mr. REID. Mr. President, I ask the pending business be an amendment offered yesterday by Senator DURBIN.

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

Mr. REID. I send a modification to the desk on behalf of Senator DURBIN.

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

The amendment will be so modified.

The amendment (No. 3094), as modified, is as follows:

(Purpose: To establish a Consumer Energy Commission to assess and provide recommendations regarding energy price spikes from the perspective of consumers) At the appropriate place in title XVII, insert:

#### SEC. 1704. CONSUMER ENERGY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the "Consumer Energy Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be comprised of 11 members who shall be appointed within 30 days from the date of enactment of this section and who shall serve for the life of the commission.

(2) APPOINTMENTS IN THE SENATE AND THE HOUSE.—The majority leader and the minority leader of the Senate and the Speaker and minority leader of the House of Representatives shall each appoint 2 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues; and

(B) 1 of whom shall represent the energy industry.

(3) APPOINTMENTS BY THE PRESIDENT.—The President shall appoint 3 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues;

(B) 1 of whom shall represent the energy industry; and

(C) 1 of whom shall represent the Department of Energy.

(c) INITIAL MEETING.—Not later than 60 days after the date of enactment of the Act, the Commission shall hold the first meeting of the Commission regardless of the number of members that have been appointed and shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(d) ADMINISTRATIVE EXPENSES.—Members of the Commission shall serve without compensation, except for a per diem and travel



expenses which shall be reimbursed, and the Department of Energy shall pay expenses as necessary to carry out this section, with the expenses not to exceed \$400,000.

(e) STUDY.—The Commission shall conduct a nationwide study of significant price spikes since 1990 in major United States consumer energy products, including electricity, gasoline, home heating oil, natural gas and propane with a focus on their causes including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, regulatory failures, demand growth, reliance on imported supplies, insufficient availability of alternative energy sources, abuse of market power, market concentration and any other relevant factors.

(f) REPORT.—Not later than 180 days after the date of the first meeting of the Commission, the Commission shall submit to Congress a report that contains the findings and conclusions of the Commission; and recommendations for legislation, administrative actions, and voluntary actions by industry and consumers to protect consumers and small businesses from future price spikes in consumer energy products.

(g) CONSULTATION.—The Commission shall consult with the Federal Trade Commission, the Federal Energy Regulatory Commission, the Department of Energy and other Federal and State agencies as appropriate.

(h) SUNSET.—The Commission shall terminate within 30 days after the submission of the report to Congress.

Mr. REID. I ask unanimous consent that the Senate vote on or in relation to this amendment at 3:45, with the time prior to that time equally divided, and there be no amendments in order prior to that time.

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

Mr. REID. 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 the order for the quorum call be dispensed with.

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

Mr. BINGAMAN. I yield the floor to the majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 3525 AND ANWR

Mr. DASCHLE. Mr. President, I am waiting to propound a unanimous consent request having to do with border security. I will not do that, of course, until the Republican leader returns.

My preference, as I said before on several occasions, and Senator LOTT has said, is that we take up the ANWR amendment. We have even said we are prepared to offer it ourselves in order to move this process along. I am told the sponsors of the amendment still are not prepared to offer this amendment. So I have no choice, under these circumstances, as much as I would like very much to be on it right now, but to postpone consideration of the ANWR amendment and to make the most of what time we have available to us.

I have consulted with the distinguished Republican leader. I know the administration believes, as we do, to move the border security legislation along is something in everyone's interest.

The House has passed a bill. It is my hope that we can pass the border security bill as well. The House has passed two different versions of border security, one involving the so-called 245(i) provisions, and one without those provisions included. What we are doing this afternoon would be to take up a bill that does not include 245(i), but I have indicated publicly, and indicated to Senator LOTT and to my colleagues, that it is my desire to bring up the 245(i) provisions.

I know there is opposition—I am told on both sides of the aisle. But we must address the issue. It is an important issue. It is one that should be resolved. It is one on which the Senate has acted on several other occasions. So there will come a time when we will do that.

But in order to at least pass those pieces of border security that we all agree on, I will ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 3525, the border security bill, and that the Senate proceed to its consideration on Friday, April 12, at 11:30, and that no call for the regular order serve to replace the bill; and that, upon resumption of the energy bill, S. 557, Senator MURKOWSKI be recognized to offer his ANWR amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, if Senator DASCHLE will yield, I did not object because I think, all things considered, this is a good way to proceed at this time.

I, too, would prefer we go ahead and begin consideration of the ANWR amendment with regard to oil exploration in that area of Alaska. But we have other amendments that are pending. Work has continued to be done on those issues this afternoon and perhaps, I assume, some in the morning, even while a process is worked out as to exactly how to proceed with the ANWR amendment.

One of the problems I understand—it is a legitimate one—is that the amendment Senator MURKOWSKI would like to offer has some provisions that need to have some scoring done. I think that is legitimate. They want to know what it might cost. I think Members are entitled to know that. I presume he could have offered the amendment and had the scoring done over the weekend, but I think both sides were a little bit hesitant to have it offered and just have it kind of hanging out there, not knowing what the final form would be—whether, if it would be modified, we would get into a fuss over second-degree amendments. So I think this is a good way to go. Hopefully, we will be ready to go back to this on Tuesday, deal with the ANWR provisions, deal with the tax provisions, and finish the amendments we have remaining. I still think it is absolutely essential for our country that we get an energy bill.

I understand there is a need to complete our work next week on that issue

so we can move on to other issues. We are pressing Senator DASCHLE to take up other issues, including this border security and the 245(i) immigration issue and the trade legislation—other issues.

By doing it this way, we can dispose of a bill that is needed. Border security needs to be dealt with. It has bipartisan support. The administration supports it. We can do that by taking it up tomorrow, being on it Monday, and I hope we can be done with it sometime early on Tuesday, and then go back to ANWR.

I have checked this out with the sponsors of the border security bill and with Senator MURKOWSKI and it seems this is agreeable to all parties and this is the way we can get some work done while we work out the process on the other amendments.

I yield the floor.

Mr. DASCHLE. Mr. President, I thank my colleagues for their cooperation in the effort to move this legislation along. As I say, my choice would have been to have completed our work on ANWR already. We have now been on the bill about a month. We have been on it 20 legislative days, but over a month of calendar days.

There is no reason why we should continue to wait for an amendment that I thought might have been the first out of the box.

Having said that, I urge my colleagues to come down to the floor. We are about to have a vote on the Durbin amendment. There are other amendments pending on which we can have votes. And there are other amendments to be offered that we should have votes on as quickly as possible.

I ask my colleagues to offer amendments this afternoon. The floor is open for additional business. This does not preclude additional amendment consideration this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me underscore what the majority leader has said, and also the Republican leader, and indicate that I also believe we can complete action on this energy bill fairly quickly once we come back to it and once we have the ANWR-related amendment offered by Senator MURKOWSKI and the other proponents of that amendment.

I regret that we are not able to begin dealing with that today. But we are not. Therefore, I support the majority leader's decision to move to this other legislation beginning tomorrow.

AMENDMENT NO. 3094

Let me say a few words about the Durbin amendment. The Durbin amendment was offered yesterday. It would establish the Consumer Energy Commission. It provides for an 11-member Commission which would have the job of doing a 180-day study of a variety of issues related to the generation of electricity in our country and the potential failures of the system.

I think it is a good amendment. I think it is one which has the prospect of improving our understanding of this issue.

This board is to be concluded after 180 days and report back to the Congress within 30 days. At the end of the 180 days, the group goes out of existence 30 days later.

I don't think there should be any substantial objection to this. To my mind, it is a meritorious amendment. I said yesterday that I thought it should be approved. I certainly believe that.

I yield the floor.  
The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that in a moment we will vote on my amendment. I certainly thank the chairman, Senator BINGAMAN, for his kind words of support. A number of my colleagues are cosponsors of this amendment to create a Consumer Energy Commission: Senator SMITH, Senator SCHUMER, Senator JEFFORDS, and Senator STABENOW.

In this bill involving energy policy in America, there are many worthwhile issues to be considered. But I think there is one position that needs to be filled with this amendment. It is time for us to invite consumers from across America to be part of this conversation about America's energy future—the families who have to pay the heating bills, the hard-working people who have to pay for gasoline to get back and forth to work, the individuals and small businesses that may find because of price hikes they cannot keep their employees on the job, the farmers who are worried about aspects of energy price fluctuations and what that means to their lives.

This Commission is a short-term effort of limited duration and limited expense to try to invite that conversation so the consumers, small businesses, and family farmers will be part of our national strategy for energy security. We do not believe that the GAO, as good as it is, can really speak from that human and real perspective. They cannot provide the kind of study of which we are asking. The GAO and the IEA have provided plenty of studies and data on a variety of energy issues. However, they haven't brought the analysis, industry, and consumer groups together to consider particularly the problem of price spikes.

I have a chart that shows gasoline retail prices. You can see why a lot of people in the Midwest, for example, call me and call the President from time to time to ask: What is going on at the gasoline station? Today it is \$1.30 a gallon and the next day it is \$2 a gallon. Why would that happen? Has war broken out in the Middle East? No. It is just the Easter surprise that you have every year in the Midwest. Gasoline prices have gone out of control. For months at a time, families find they are spending extraordinary amounts for gasoline. Businesses cut back on their employees. Whether it is

trucking companies, delivery services, we find a lot of sacrifices are being made.

I do not know that this Commission is going to come up with the direct answer to it, but what is wrong with inviting the consumers of America into this conversation? What is wrong with asking families and small businesses to join us in this effort?

That is why I hope we can bring all the stakeholders to the table. That is why I think we need to give consumers and small business a voice. I hope my colleagues in the Senate will join me in strong support of this amendment creating a Consumer Energy Commission.

I yield the floor.  
Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.  
The question is on agreeing to the amendment. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) is necessarily absent.

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—69

Akaka	Domenici	Lincoln
Allard	Dorgan	McCain
Allen	Durbin	Mikulski
Baucus	Edwards	Miller
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Graham	Nelson (NE)
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Byrd	Harkin	Rockefeller
Cantwell	Hatch	Sarbanes
Carnahan	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inouye	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Thompson
Corzine	Kohl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden

NAYS—30

Bennett	Enzi	McConnell
Bond	Fitzgerald	Murkowski
Brownback	Frist	Nickles
Bunning	Hagel	Roberts
Burns	Helms	Santorum
Campbell	Hutchinson	Shelby
Cochran	Inhofe	Smith (NH)
Craig	Kyl	Stevens
Crapo	Lott	Thomas
Ensign	Lugar	Thurmond

NOT VOTING—1

Gramm

The amendment (No. 3094), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3114

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to amendment No. 3114, offered

by Senator FEINSTEIN, and that the time until 4:35 p.m.—for the next 20 minutes—be equally divided in the usual form, and at 4:35 the Senate vote on or in relation to the amendment, with no second-degree amendments in order prior to the vote.

Mrs. BOXER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, reserving the right to object, I believe there is objection on this side. I am happy to check on that and respond.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.  
The yeas and nays were ordered.

Mr. JOHNSON. Mr. President, I rise in opposition to the Feinstein amendment on the renewable fuels standard.

The Senate energy bill contains a landmark renewable fuels standard that is an essential part of a sound national energy policy. The bill provides for an orderly phase-down of MTBE use, removal of the oxygen content requirement for reformulated gasoline (RFG) and the establishment of a nationwide renewable fuels standard—RFS—that will be phased in over the next decade. The standard has strong bipartisan support and is the result of long and comprehensive negotiations between farm groups, the American Petroleum Institute, and coastal and Midwestern states. It is the first time that a substantive agreement has been reached on an issue that will reduce our dependency on foreign oil and greatly improve the nation's energy security. aa

Moreover, the renewable fuels standard in S. 517 provides a nationwide, cost-effective solution to address the concerns over MTBE use. Although individual states are banning or considering banning MTBE, the states are still left with meeting the federal oxygenate standard for reformulated gasoline. The provisions of S. 517 address both of these issues in a balanced manner and do so without mandating individual states to meet specific levels of renewable fuels production or use.

I have spoken in the past about the benefits of renewable fuels. These home-grown fuels will improve our energy security and provide a direct benefit for the agricultural economy of South Dakota and other rural states. The new standard is largely based on legislation that I introduced with Senator CHUCK HAGEL. The leadership of Senators DASCHLE and BINGAMAN resulted in the consensus legislation on this issue.

The consensus package would ensure future growth for ethanol and biodiesel through the creation of a new, renewable fuels content standard in all motor fuel produced and used in the U.S. Today, ethanol and biodiesel comprise less than one percent of all transportation fuel in the U.S.—1.8 billion

gallons is currently produced in the US. The consensus package would require that 5 billions gallons of transportation fuel be comprised of renewable fuel by 2012 nearly a tripling of the current ethanol production.

I do not need to convince anyone in South Dakota and other rural states of the benefits of ethanol to the environment and the economies of rural communities. We have many plants in South Dakota and more are being planned. These farmer-owned ethanol plants in South Dakota, and in neighboring states, demonstrate the hard work and commitment being expended to serve a growing market for clean domestic fuels.

Today, 3 ethanol plants—Broins in Scotland and Heartland Grain Fuels in Aberdeen and Huron—produce nearly 30 million gallons per year. With the enactment of the renewable fuels standard, the production in South Dakota and other states could grow substantially, with at least 2000 farmers owning ethanol plants and producing 200 million gallons of ethanol per year or more.

I understand the concerns raised by the senators from California and New York. This is a major a major change in the makeup of our transportation fuel. The goal of the agreement that has been reached on this title is to phase in the renewable fuels standard in a manner that is fair to every region of the country. It also bans MTBE and eliminates the oxygenate standard, two changes that Californians have sought for years. The goal of this agreement is not to raise gas prices, but to diversify our energy infrastructure and increase the number of fuel options. This helps to increase our energy security, increase competition and reduce consumer costs of gasoline.

The new standard does not require that a single gallon of renewable fuel must be used in any particular state or region. Moreover, the language includes credit trading provisions that gives refiners flexibility to meet the standard's requirements. In no way is this intended to penalize California, New York or any other region in the country.

In addition, there are allegations of huge price increases at the pump should the standard be enacted. This concern is unfounded and the analysis that the figures are based upon is flawed. Two recent reports by the Energy Information Administration—EIA—and the General Accounting Office—GAO—have raised some concerns about higher gasoline costs as well supply implications of the renewable fuels standard. These reports failed to take into account several factors, resulting in conclusions that are incomplete.

The EIA report notes that 90 percent of the costs associated with the provisions of the bill are because of the ban on MTBE, not the inclusion of the renewable fuels standard. The report also states that the RFS without the MTBE ban would raise prices up to one cent a

gallon for reformulated gasoline and up to .5 cents a gallon for all gasoline. However, the report failed to account for the provisions of the legislation that allow for credit banking and trading, which would lower any increase in prices.

The GAO report only evaluated a California ban on MTBE but assumed the continuation of the federal oxygenate standard. Because S. 517 eliminates the oxygen standard, the high costs in the GAO report are exaggerated. The American Petroleum Institute analysis of the effect of the RFS on gasoline costs, including the trading program and the elimination of the oxygenate standard, indicates that there are almost no additional costs.

The renewable fuels standard in S. 517 addresses the difficulties that states have encountered in meeting the makeup of federal gasoline standards, while promoting the use of home-grown fuels that will reduce the nation's dependency on foreign oil. Any attempts to reduce or eliminate the standard should be opposed so that we can move forward and improve the nation's energy security.

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

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

The question is on agreeing to the motion to table.

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

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

The question is on agreeing to the motion to table amendment No. 3114. The clerk will call the roll.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the previous order be amended to allow 15 minutes for the parties to debate and, as indicated, the vote occur at 4:35 p.m.; that the Senate resume consideration of amendment No. 3114, and the time before 4:35 p.m. be controlled equally and in the usual form; and that at 4:35 p.m. the Senate vote on or in relation to the amendment, with no second-degree amendment prior to that vote.

The PRESIDING OFFICER. Is there objection?

The Senator from New York.

Mr. SCHUMER. Mr. President, I thought we were going to be given 20 minutes, 10 on each side.

Mr. REID. That will be fine.

Mr. SCHUMER. I withdraw my objection.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. I object.

AMENDMENT NO. 3114

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 3114. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

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

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—61

Akaka	Durbin	Lincoln
Baucus	Edwards	Lott
Bayh	Ensign	Lugar
Bingaman	Feingold	McConnell
Bond	Fitzgerald	Mikulski
Breaux	Frist	Murkowski
Brownback	Graham	Nelson (FL)
Bunning	Grassley	Nelson (NE)
Burns	Hagel	Reid
Byrd	Harkin	Roberts
Carnahan	Hatch	Rockefeller
Carper	Helms	Sarbanes
Chafee	Hollings	Smith (NH)
Cleland	Hutchinson	Stabenow
Cochran	Inhofe	Stevens
Conrad	Jeffords	Thomas
Craig	Johnson	Thurmond
Crapo	Kerry	Voivovich
Daschle	Landrieu	Wellstone
Dayton	Levin	
Dorgan	Lieberman	

NAYS—36

Allard	Domenici	Reed
Allen	Enzi	Santorum
Bennett	Feinstein	Schumer
Biden	Hutchison	Sessions
Boxer	Inouye	Shelby
Campbell	Kennedy	Smith (OR)
Cantwell	Kohl	Snowe
Clinton	Kyl	Specter
Collins	Leahy	Thompson
Corzine	McCain	Torricelli
DeWine	Murray	Warner
Dodd	Nickles	Wyden

NOT VOTING—3

Gramm	Gregg	Miller
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The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the majority leader has authorized me to announce there will be no more rollcall votes tonight. As per the agreement we made earlier this afternoon, there will be no rollcall votes tomorrow. There will be rollcall votes on Monday, for the information of all Senators.

This has been a difficult week, but we have made significant progress. We

have completed election reform. We have gotten permission to move to the port security bill which we will start debating tomorrow. Senator BINGAMAN and Senator MURKOWSKI have slogged their way through this amendment process. I think we have made significant progress on the list of amendments we have. Although we have not gotten unanimous consent to agree to a finite list, each side has worked on amendments. We had a period when there were about 250 amendments. We are down now to probably 40 or so. Not all of those could be referred to as serious amendments. There is still a long way to go.

The amendment agreement entered into by the two leaders earlier today indicates we are going to finish the border security legislation, hopefully, by Tuesday. At that time, the Senator from Alaska will offer his amendment on ANWR. We are not going to take up the energy bill until the ANWR amendment is ready. When that is done, we will take it up.

It is my understanding in speaking with the Senator from Alaska, and several others, and also the Republican leader that they are very close to having an amendment which they feel good about and will offer. I hope that can be finalized by Tuesday.

AMENDMENTS NOS. 3119, 3120, 3121, 3122, AND 3123  
EN BLOC

Mr. BINGAMAN. Mr. President, I send a series of amendments to the desk and ask for their immediate consideration en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes amendments numbered 3119, 3120, 3121, 3122, and 3123 en bloc.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3119

(Purpose: To ensure the safety of the nation's mines and mine workers)

On page 564, after line 2, insert the following:

**"SEC. 1506. FEDERAL MINE INSPECTORS.**

"In light of projected retirements of Federal mine inspectors and the need for additional personnel, the Secretary of Labor shall hire, train, and deploy such additional skilled mine inspectors (particularly inspectors with practical experience as a practical mining engineer) as necessary to ensure the availability of skilled and experienced individuals and to maintain the number of Federal mine inspectors at or above the levels authorized by law or established by regulation."

AMENDMENT NO. 3120

(Purpose: To require the Secretary of Energy to conduct a study on the effect of natural gas pipelines and other energy transmission infrastructure across the Great Lakes on the Great Lakes ecosystem)

At the end of title XVII, insert the following:

**SEC. 17 . . . STUDY OF NATURAL GAS AND OTHER ENERGY TRANSMISSION INFRASTRUCTURE ACROSS THE GREAT LAKES.**

(a) DEFINITIONS.—In this section:

(1) GREAT LAKE.—The term "Great Lake" means Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, Lake Ontario (including the Saint Lawrence River from Lake Ontario to the 45th parallel of latitude), and Lake Superior.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with representatives of appropriate Federal and State agencies, shall—

(A) conduct a study of—

(i) the location and extent of anticipated growth of natural gas and other energy transmission infrastructure proposed to be constructed across the Great Lakes; and

(ii) the environmental impacts of any natural gas or other energy transmission infrastructure proposed to be constructed across the Great Lakes; and

(B) make recommendations for minimizing the environmental impact of pipelines and other energy transmission infrastructure on the Great Lakes ecosystem.

(2) ADVISORY COMMITTEE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to establish an advisory committee to ensure that the study is complete, objective, and of good quality.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings and recommendations resulting from the study under subsection (b).

AMENDMENT NO. 3121

(Purpose: To promote the demonstration of certain high temperature superconducting technologies)

On page 408, line 8, strike "technologies." and insert "technologies; and

"(3) the use of high temperature superconducting technology in projects to demonstrate the development of superconductors that enhance the reliability, operational flexibility, or power-carrying capability of electric transmission systems or increase the electrical or operational efficiency of electric energy generation, transmission, distribution and storage systems."

AMENDMENT NO. 3122

(Purpose: To authorize a study of the way in which energy efficiency standards are determined)

On page 301, after line 22, insert the following:

**"SEC. 930. STUDY OF ENERGY EFFICIENCY STANDARDS.**

"The Secretary of Energy shall contract with the National Academy of Sciences for a study, to be completed within one year of enactment of this Act, to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production. The Secretary shall submit the report to the Congress."

AMENDMENT NO. 3123

(Purpose: To encourage energy conservation through bicycling)

On page 213, between lines 10 and 11, insert the following:

**SEC. 8 . CONSERVE BY BICYCLING PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Conserve By

Bicycling pilot program that shall provide for up to 10 geographically dispersed projects to encourage the use of bicycles in place of motor vehicles. Such projects shall use education and marketing to convert motor vehicle trips to bike trips, document project results and energy savings, and facilitate partnerships among entities in the fields of transportation, law enforcement, education, public health, environment, or energy. At least 20 percent of the cost of each project shall be provided from State or local sources. Not later than 2 years after implementation of the projects, the Secretary of Transportation shall submit a report to Congress on the results of the pilot program.

(b) NATIONAL ACADEMY STUDY.—The Secretary of Transportation shall contract with the National Academy of Sciences to conduct a study on the feasibility and benefits of converting motor vehicle trips to bicycle trips and to issue a report, not later than two years after enactment of this Act, on the findings of such study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation \$5,500,000, to remain available until expended, to carry out the pilot program and study pursuant to this section.

Mr. LEVIN. Mr. President, the recent debate shows the challenges our country faces in balancing environmental protection with our Nation's energy security. Containing nearly 95 percent of our countries surface fresh water, the Great Lakes are a natural treasure which we must work to protect. Today I offered an amendment which would request that the Secretary of Energy, in consultation with representatives of the appropriate Federal and State agencies and the National Academy of Science, conduct a study of the transmission of natural gas and electricity across the Great Lakes and report back to Congress within 365 days regarding the impacts of such lines and recommendations for minimizing their environmental impact.

As the cleanest fossil fuel, natural gas will play an increasingly important role in addressing our nations energy demands. Even today, natural gas consumption is forecasted to increase at over 2 percent per year. However, the infrastructure for transporting natural gas is already strained.

To address this problem, a number of companies have applied for permits to place pipelines and electric transmission lines across the Great Lakes. One such project is a pipeline which would transport up to 700 million cubic feet of natural gas per day to New York and the northeast. The pipeline would cross the bottom of Lake Erie for 93.8 miles, from Port Stanley, Ontario to Ripley, NY. This pipeline will be constructed using a new technique called jet trenching, which will suspend two and a half million cubic yards of sediment in Lake Erie. Much of this sediment may be contaminated and the effects of its redistribution are at best, unknown. Further, no one has analyzed the capacity of the Lakes to handle suspended sediments.

It is obvious that energy transmission infrastructure is important, but it is critical that we understand

the impacts of placing this infrastructure across the lake beds. It is also imperative that we develop a long term strategy for their placement. This amendment would require the Department of Energy to examine these questions and make recommendations on how to assure that these incredible bodies of water are protected for future generations.

This amendment is simple, but its role in addressing the challenges we now face is essential. I want to thank my colleagues in supporting this amendment.

#### ENERGY TRANSMISSION LINES

Mr. LEVIN. Mr. President, as the Senate considers this nation's future energy policy, we would like to discuss the intent of the amendment that the Senate will adopt regarding the planning and coordination of energy transmission lines in the Great Lakes.

Mr. DEWINE. Mr. President, I would like to thank my colleagues, Mr. BINGAMAN and Mr. MURKOWSKI, for working with us to authorize the Department of Energy, in consultation with Federal and State agencies, to study the anticipated growth of energy transmission infrastructure in the Great Lakes. The Great Lakes ecosystem is complex, so it's important to understand how to minimize the possible impacts that the various energy transmission infrastructure proposals may have on the Great Lakes ecosystem.

Mr. BINGAMAN. Mr. President, I appreciate my colleagues' concerns and agree that a comprehensive study that considers the environmental impacts of energy transmission infrastructure in the Great Lakes will be useful, as will any recommendations on ways to minimize any possible impacts.

Mr. LEVIN. Mr. President, it is our intent that this amendment require the Secretary of Energy to complete a study that will include a review of the expected energy demand—including the geographic distribution of the demand—in the Great Lakes States and northeastern States for a 10-year period; a review of the proposed locations for new natural gas-fired electric generation facilities; a review of the locations and capacity of interstate and intrastate natural gas transmission pipelines in all Great Lakes states and other energy transmission infrastructure across the Great Lakes in existence or proposed as of the date of the completion of the study; a review of the potential environmental effects that could result from the construction of pipelines and other energy transmission infrastructure across the Great Lakes.

When reviewing the potential environmental effects of construction, the Secretary should consider contaminated sediment deposits, Areas of Concern as designated by the Great Lakes Water Quality Agreement, highly sensitive fisheries, and highly sensitive nearshore and coastal habitat. The Secretary should also include an anal-

ysis of potential environmental benefits of new natural gas-fired electric generation facilities and reduced consumption measure that could be undertaken; an analysis of the capacity of the Great Lakes to handle suspended sediment; takes into consideration the impacts of accommodating the energy transmission infrastructure on land use along the coasts of the Great Lakes; and takes into consideration the emergency response time for accidents in the energy transmission infrastructure. Not later than 180 days after enactment of the underlying bill, the Secretary should report his findings and recommendations for the coordination of the development of natural gas and other energy transmission infrastructure that would minimize the aggregate negative environmental effects on the Great Lakes ecosystem.

Mr. BINGAMAN. Mr. President, I want to thank the distinguished Senators from Michigan and Ohio and our colleagues from the Great Lakes states for clarifying the intent of their amendment.

Mr. DURBIN. Mr. President, today the Senate will pass by voice vote an amendment to the energy bill that would establish a Conserve by Bike Pilot Program in the Department of Transportation, as well as fund a research initiative on the potential energy savings of replacing car trips with bike trips. This program would fund up to 10 projects throughout the country, using education and marketing to convert car trips to bike trips. The research would document the energy conservation, air quality improvement, and public health benefits caused by increased bike trips. The goal is to conserve energy resources used in the transportation sector by turning some of our gas guzzling miles into bike rides.

There is no single solution for our nation's energy challenges. Every possible approach must be considered in order to solve our energy problems.

It would be unrealistic to expect most Americans to make a substantial increase in the number of trips they make by bicycle. But even a small percentage of bike trips replacing our shorter car trips could make a significant difference in oil and gas consumption.

Right now, less than one trip in one hundred—.88 percent—is by bicycle. If we can raise our level of cycling just a tiny bit: to one and a half trips per hundred, which is less than a bike trip every two weeks for the average person, we would save over 462 million gallons of gasoline in a year, worth over \$721 million. That's one day a year we won't need to import any foreign oil.

In addition to conserving our energy, an increased number of bike trips can improve our air quality. Significant declines in vehicle emissions would follow from increased bike trips. A study in New York City showed that bicycling spares the city almost 6,000 tons of carbon monoxide each year. A re-

duced number of trips made by cars would increase this number and help to clean our nation's air.

The Federal Highway Administration estimates that 60 percent of all automobile trips are under five miles in length. And these short trips typically emit more pollutants because cars during these trips run on cold engines. Engines running cold produce five times the carbon monoxide and twice the hydrocarbon emissions per mile as engines running hot. These cold engine trips could most easily be replaced by bike rides.

Americans would experience additional advantages from increased bike usage. The decreased number of cars on our nation's highways would help reduce traffic and parking congestion. Congestion costs have reached as much as \$100 billion annually according to the Federal Highway Administration. A reduction in cars on the roads will decrease the high costs associated with congestion.

The "Conserve by Bike" amendment will also improve public health. The exercise from more frequent bike trips would help improve our physical well-being. Biking has proven to be effective in the prevention of heart disease, our nation's number one killer. And, biking also has been shown to help individuals who are trying to give up health-improving behaviors such as smoking and alcohol abuse.

The "Conserve by Bike" amendment will help America take a simple but meaningful step in energy conservation. It will help fund up to 10 pilot projects that will use education and marketing to facilitate the conversion of car trips to bike trips, and document the energy savings from these trips. These projects will facilitate partnerships among those in the transportation, energy, environment, public health, education, and law enforcement sectors. There is a requirement for a local match in funding, so that these projects can continue after the Federal resources are exhausted. In addition, this amendment will fund a research initiative with the National Academy of Sciences to examine the feasibility and benefits of converting bike trips to car trips.

It is imperative that Americans are fully informed of the entire range of benefits from biking in terms of energy conservation, air quality, and public health. We also need to provide the best resources in bike safety and convenience.

We have been spending a modest amount of Federal, State and local funds on bicycle facilities since 1991. This amendment will leverage those investments and help people take advantage of the energy conservation choices they have in getting around their communities. I am pleased that this amendment will be accepted by the Senate as part of the energy bill that Senators DASCHLE and BINGAMAN have brought to the floor.

Ms. COLLINS. Mr. President I am proud to join my colleague from Illinois in offering an amendment to recognize and promote bicycling's important impact on energy savings and public health.

With America becoming more and more dependent on foreign oil, it is vital that we look to the contribution that bike travel can make towards solving our Nation's energy challenges. This amendment would establish a Conserve By Bike pilot program that would oversee up to 10 pilot projects throughout the country designed to conserve energy resources by providing education and marketing tools to convert car trips to bike trips. By replacing even a small percentage of short car trips with bike trips, we would save over 462 million gallons of gasoline in a year, worth over \$721 million.

While more bike trips would benefit our energy conservation efforts, they would also contribute to the public's health. According to the U.S. Surgeon General, less than one-third of Americans meet Federal recommendations to engage in at least 30 minutes of moderate physical activity at least five days a week. Even more disturbing is the fact that approximately 300,000 U.S. deaths a year currently are associated with being obese or overweight. By promoting biking, we are working to ensure that Americans will increase their physical activity.

Earlier this month, I had the opportunity to meet with a delegation representing the Bicycle Coalition of Maine. This group has done an outstanding job of advocating bicycling safety, education, and access throughout the State. As a result of the work of the Bicycle Coalition of Maine, people living in and visiting Maine will have accessible and safe conditions where they may comfortably and responsibly bicycle. The "Conserve by Bike" amendment has received support from this group and many others on the national, State, and local level, and I urge my colleagues to support this amendment.

Mr. BINGAMAN. Mr. President, these five amendments have been cleared on both sides. They include an amendment by Senator ROCKEFELLER to ensure the safety of the Nation's mines and mine workers, one by Senator LEVIN to require the Secretary of Energy to conduct a study on the effects of natural gas pipelines in the Great Lakes, one by Senator SCHUMER to promote the demonstration of certain high-temperature superconducting technologies, one by Senator SMITH of Oregon to authorize a study of energy efficiency standards, and one by Senator DURBIN to encourage energy conservation through bicycling.

I believe there is no objection to any of these amendments. I urge the Senate to adopt them at this time.

Mr. MURKOWSKI. Mr. President, speaking from the standpoint of the minority, we have worked with the majority on these amendments and find

them agreeable. They have been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 3119, 3120, 3121, 3122, and 3123) were agreed to en bloc.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, I want the body to note that on our side there are about 10 or 14 amendments. I have no idea what the situation is on the majority side with regard to amendments.

Mr. BINGAMAN. Mr. President, I reiterate what the Senator from Nevada said earlier, which is that we have a few more than that on the Democratic side. But we have been making very good progress in reducing the number of amendments. We are optimistic that after we conclude the debate on the amendment which the Senator from Alaska is going to offer next week, we will be able to move to complete other amendments and complete action on the bill.

I yield the floor.

Mr. MURKOWSKI. Mr. President, on a note of levity and in the spirit of Senator DURBIN with the authorization of a study on the use of bicycles as a pilot program, I am going to pilot my program home tonight on my girls' bicycle which I bought for \$20. It is one which I don't have to lock up because nobody would bother to steal it. It gets me here a lot faster than driving.

I recall one day being behind an automobile of the junior Senator from New York which was stalled in the drive, and they had to push it out. I certainly recommend the amendment proposed by Senator DURBIN, which suggests obvious benefits of the bicycling. It is much easier to get through security, and when the dogs come around you only have to worry about one thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. I thank the Chair.

(The remarks of Mr. NELSON of Nebraska are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New York?

Mrs. CLINTON. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

Mrs. CLINTON. Mr. President, I come to the floor today to join with my colleagues in talking about the very difficult choices that are being foisted upon some of our States and all of our consumers because of the renewable fuels provisions in the energy bill now under consideration.

Now, these renewable fuels provisions do accomplish some very important goals. First, they ban the use of MTBE, which has resulted in serious ground water pollution all over our country. They revoke the oxygenate requirements that led so many States to make such heavy use of MTBE in the first place. And they do keep in place the same stringent air pollution standards mandated by the Clean Air Act.

My State has, unfortunately, experienced firsthand the effects of MTBE contamination in our drinking water sources.

While the full health and environmental impacts of MTBE are still unknown, we do know that it smells bad, it tastes bad, and the bottom line is that people do not want to be drinking MTBE-contaminated water any more than they want to be drinking water with arsenic or some other contaminant in it.

As many of my colleagues know, because of poor air quality in certain areas of the country, we are required to meet something called an "oxygenate requirement" under the Clean Air Act.

New York City and surrounding counties constitute one of those areas. This requirement requires that consumers use gasoline additives that aid in reducing harmful air pollution. The additives available at this time are primarily MTBE and ethanol. So those of us in the Northeast, who need to meet this oxygenate requirement, have been adding MTBE to our gasoline because we have no readily accessible, affordable, available sources of ethanol in places such as New York.

The unfortunate consequence is that, as a result of leaking underground storage tanks, other leaks, and runoffs, we are now experiencing MTBE contamination in our underground water sources.

This has been a big problem in our State, particularly on Long Island, which has an aquifer that provides drinking water that runs the full length of the island. In Suffolk County alone, MTBE has been found in both private and public wells in all 10 of the towns in that county.

This is a serious problem and the costs of cleaning up this MTBE contamination are significant. While having clean air to breathe is critically important, so is having clean water to drink. We should not have to trade off air for water. We should be able to figure out how to provide both clean air and clean water.

That is why New York State took the very bold step of banning MTBE by January 1, 2004—less than 2 years from today. In fact, I believe that about 13 States—including my own—have made the decision to restrict or ban the use of MTBE in the next couple of years.

I agree that phasing out MTBE is exactly the right thing to do from a drinking water perspective and from an overall environmental perspective. That is why, in the last session, the Environment and Public Works Committee voted out S. 950 by voice vote,

the provisions of which are incorporated in the renewable fuels provisions that we are now discussing.

S. 950 includes a phaseout of MTBE and a repeal of the Federal oxygenate requirement, as recommended by the EPA's Blue Ribbon Panel on Oxygenates in Gasoline. I strongly support these provisions, and I commend the bipartisan leadership of the EPW Committee for their work on this important issue. But the committee-passed bill did not include the ethanol mandate that we are here to discuss.

Now, I am not here—I want to make this absolutely clear—to oppose ethanol. I believe in ethanol. I think it is a great step forward for renewable fuels. And I know that it is an important use of the products that are grown in many parts of our country. It is a new market. And I believe that it does take us in the right direction.

And phasing out MTBE, even with a repeal of the oxygenate requirement, will still lead to an increase in the use of ethanol in our country. That is why a Federal mandate is not needed to ensure a continuing market for ethanol. And that is why I and my senior colleague from New York, and my colleagues from California, and others, are opposing the ethanol mandate that is included in this bill.

The energy bill we are currently debating includes what I can only describe as an astonishing new anticonsumer Government mandate: that every refiner in our country use an ever increasing volume of ethanol or pay for ethanol credits.

At first when this was described to me, I thought there had to be some mistake because I, and I guess the majority of my colleagues, support ethanol. But to be told it has to be used, and the amount of it has to increase over time, struck me as exactly the opposite of what we are trying to achieve in this new energy policy. Because regardless of the market, and whatever the demand would be for ethanol, this bill requires the use of ethanol or the purchase of ethanol credits at a set amount, an amount that will eventually exceed 5 billion gallons.

Currently U.S. refiners use approximately 1.7 billion gallons of ethanol. Starting in 2004, the Nation's refiners would be required to use 2.3 billion gallons of ethanol. And that number would ratchet up to 5 billion gallons of ethanol by 2012. And the use of a constant percentage of ethanol per volume of gasoline would be required every year thereafter no matter what kind of new breakthroughs we had in making gas both more efficient and cleaner. It would not matter. We would have a big brother, big-hand Federal Government mandate: You have to use it no matter what.

This means that from 2012 on, the Nation's ethanol producers would have a Government-guaranteed annual market of at least 5 billion gallons, or perhaps even more.

Now, oil refiners could, in a competitive market, find smarter, cleaner, and

less expensive ways to reformulate gasoline, but they would be forced to keep using billions of gallons of ethanol annually nonetheless.

Refiners in States outside the Corn Belt that lack the infrastructure to transport and refine ethanol would nonetheless be forced to pay for ethanol credits. The credits would result in rising gas prices and the transfer of funds from hard-pressed consumers in one part of the country to ethanol-rich areas in the rest of the country, while doing nothing to improve air quality. In other words, consumers in every State would be forced to pay for ethanol whether they used it or not.

Make no mistake about it, this is tantamount to a new gas tax. This will cause the price of gasoline to go up anywhere from 4 cents to 10 cents a gallon. Others who spoke earlier today discussed specifically what would happen in their own States. I believe for New York this would mean more than 7 cents per gallon at the pump.

The reasons for these cost increases are manyfold. There are costs of production issues. Ethanol simply costs more to produce than gasoline or MTBE. Since ethanol is primarily made from corn, if there is a bad corn crop one year, we can expect not only food prices but gas prices as well to increase under this bill.

There are also supply issues. According to a recent report by the Congressional Research Service, in the short term ethanol is unlikely to be available in sufficient quantity. If the supply is not there, the gasoline supply can't be there, and prices will inevitably rise as a result.

There are transportation distribution issues, as has been discussed earlier. The cost of using ethanol is also influenced by the fact that almost 90 percent of ethanol production occurs in just five States: Illinois, Iowa, Nebraska, Minnesota, and Indiana. The geographic concentration of ethanol production is an obstacle to its use on either the east or west coasts, particularly because ethanol-blended gasoline cannot travel through petroleum pipelines and, therefore, it must be transported by truck, rail, or barge which significantly increases its per-unit cost.

As has already been mentioned, ethanol production is also concentrated among a few large producers. The top 5 companies that produce ethanol account for approximately 60 percent of production capacity, and the top 10 companies account for approximately 75 percent of production capacity. ADM alone markets about half of the ethanol produced in the country.

All of this is going to mean higher prices for the American consumer, particularly on the east and west coasts. There will be other costs to consumers as well.

As many know, ethanol already gets a tax break in terms of the gasoline tax. Every gallon of gas with ethanol gets a 5.4-cent Federal subsidy. The

subsidy is currently costing \$600 million in Federal highway funds at today's ethanol use level. That means that with a 5-billion-plus-gallon-a-year ethanol mandate, we will have even less dollars for much needed transportation projects in all of our States, resulting in more traffic congestion, less safe roadways, and other consumer costs.

Another cost to consumers will be the potential environmental cost of an increased use of ethanol, not to mention the safe harbor from liability that is included in this bill.

I have to give it to the sponsors and authors of this provision; they have thought of everything: subsidies; put a tax on everybody else who has to use it; make it even less likely that the environmental costs are going to be in any way taken care of because the environmental and public health impacts of ethanol are still not fully understood.

Studies have indicated that while reducing carbon dioxide emissions, ethanol may increase emissions of smog-producing and other toxic compounds.

Despite the questions on its environmental and public health impacts, this bill also includes a renewable fuels safe harbor provision. What does that mean? It gives product liability protection against consumers and communities that may seek legal redress from the manufacturers and oil companies that produce or utilize defective additives in their gasoline. That is adding insult to injury. First, we are going to tax you and, second, we are going to make it impossible for you to get any kind of redress if what we are making you buy makes you sick or pollutes the environment.

This means companies have less incentive to ensure that the additives they manufacture and use are safe, eliminating an important disincentive to pollute.

What is the net result? We are providing a single industry with a guaranteed market for its products—subsidies on top of subsidies on top of subsidies and, on top of that, protection from liability. What a sweetheart deal.

If the average American consumer tunes in on this debate and realizes what is happening, there will be a revolt. I dare predict that voting for this bill, which will raise gas prices in 45 of our States, will be a political nightmare for the people who end up voting for it. Higher gas prices at the pump, reduced Federal assistance for much needed transportation projects, possible negative air quality, and public health impacts, to say nothing of raiding the Federal Treasury to give this giveaway to these large producers, makes it impossible to understand why any proconsumer, prohealth, pro-environment, antigovernment mandate Member of this body would vote for this provision.

For consumers, the ethanol mandate is a one, two, three, four punch. First, consumers will pay more at the pump

to meet arbitrary goals that boost the sale of ethanol, whether we need it or not. Second, consumers will face reduced Federal assistance for transportation projects because the money is going to be going to the ethanol producers, not to fix your roads or your bridges. Third, consumers may experience potential environmental and public health impacts. But guess what. You are barred from seeking redress. Who needs tort reform, just stick this in the energy bill and forget about ever getting any kind of liability against anybody who may be intentionally or negligently causing health or environmental harm. And fourth, you can't sue the manufacturers and the oil companies.

There are some very positive aspects of these provisions to phase out MTBE and eliminate the oxygenate requirement. We have long fought for this. There are many in this body who have been working on this a lot longer than I have. I applaud those Members for doing everything possible to ban MTBE and eliminate this oxygenate requirement. With about 13 States having already taken such action, this is an issue that needs to be addressed. But this is the wrong way to do it.

New York and California are on the front lines of this battle because California had originally banned MTBE as of January 1, 2003, although the Governor was forced to push the date back a year. Now California and New York, with millions and tens of millions of consumers, are in the same boat because New York has also banned MTBE. But Arizona has also taken final action to ban MTBE. Colorado has mandated a phaseout, Connecticut has also phased it out as of 2004, and even Illinois has banned the use, sale, distribution, blending, or manufacturing of MTBE as a fuel additive, along with Kansas and Michigan. And Minnesota has prohibited the sale of gasoline containing more than .3 percent volume by weight of MTBE and required the phaseout by July 2005.

There are many States that have taken actions. They have actually passed laws. There are numbers of others who are trying to take action to phase it out.

We do need Federal action. My colleagues from New York and California and I understand that we need to pass provisions that will work. But that does not mean we should pass a 5-billion-gallon, anticonsumer, gas-price-increasing ethanol mandate.

So, Mr. President, I hope that calmer heads will prevail in this debate, that we will understand the important role of ethanol, provide an opportunity for that market to grow, but not mandate it, not interfere with the operation of the market, not provide subsidies, not require consumers to buy it whether we need it or not, and not protect the producers from public health and environmental liability.

What is going on here? Any business or any sector of the economy would

love to have a mandated tax increase directly into their pocketbooks. That is not the purpose of having an energy bill that puts us on the path to self-sufficiency. I certainly don't think the tens of millions of consumers who may be following this debate think at the end of the day they are going to be transferring hard-earned money out of their pockets into the pockets of ethanol manufacturers, whether it helps or not.

So I really hope my colleagues will consider the impact of this policy and join with those of us who are looking at this from the longer term perspective to come up with an amendment that provides the kind of support for ethanol we all believe would be in our best interest, without the damaging mandates that this approach would require.

Again, I don't think anybody in this body came to this energy debate thinking they were voting to raise this gas tax, but indeed if we pass this as currently written, that is exactly what we are going to do. Those people who are going to pay that increased cost, starting in a few years, are going to turn around and say: Why is this happening?

It is going to be hard for us to explain. There is no reason for us to make this decision when there are alternatives and we can work together and make it possible for us to have a much better approach without the damaging impact this amendment on ethanol would cause to our entire country.

I yield back the remainder of my time.

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

Mr. DOMENICI. I understand we have the regular order, and the Senator who is supposed to speak is not here.

The PRESIDING OFFICER. The Senator is correct. There is no order for speakers. The Senator may proceed.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

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

Mr. DOMENICI. Mr. President, I rise today to call attention to a very special anniversary that many in my home state of New Mexico will take time to remember this weekend. Saturday, April 13th will mark the sixty-year anniversary of the Bataan Death March. Some eighteen-hundred men from the 200th Coast Anti-Artillery Aircraft and the 515th Coast Anti-Artillery, Aircraft, New Mexico National Guard Units were involved in that infamous march.

I do not think words can fully describe the bravery of these veterans and the horrific conditions they endured. In all, more than seventy thousand American and Filipino prisoners of war were captured in April 1942 and force-marched to a Japanese work camp. Suffering from starvation and physical abuse, more than seven thousand died and only about fifty-six thou-

sand reached the camp. Thousands later died from malnutrition and disease. Of those eighteen-hundred from the New Mexico Brigade, fewer than nine-hundred returned.

On Saturday, in Las Cruces, New Mexico, we will dedicate the Bataan Death March Memorial in memory and in honor of these men. And because New Mexicans made up such a large proportion of those prisoners involved in the march, this anniversary and dedication ceremony have stirred many emotions throughout my state. For those survivors and their families, there is a great sense of pride. Of course, there is much lingering pain, as well. But by establishing a memorial in their honor, we build a bridge to that emotion—a bridge that will allow all generations of Americans to imagine the suffering these men endured, and to remember, forever, their true valor.

For all Americans who are unable to travel to the Southwest to see the beautiful bronze statue portraying an American soldier and a Filipino soldier comforting an injured American comrade during the midst of that seven-day march, I would encourage you to take the time to learn about the horrors these men suffered—to learn their story. It is both sobering and inspiring, and I pay tribute to their heroism today.

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

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

The Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 2115 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for not to exceed 10 minutes each.

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