to assist in mobilizing an appropriate healthcare workforce in the event of a health emergency or natural disaster.

S. 1689

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1689, a bill to state the policy of the United States on international taxation.

S. 1700

At the request of Mr. COBURN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1716

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1716, a bill to provide emergency health care relief for survivors of Hurricane Katrina, and for other purposes.

AMENDMENT NO. 762

At the request of Mr. NELSON of Florida, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 762 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1548

At the request of Mr. CONRAD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 1548 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1730

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1730 proposed to H.R. 2744, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1729. A bill to extend the time during which persons affected by Hurricane Katrina may appeal certain decisions of the Board of Veterans' Appeals that are rendered during the period beginning June 1, 2005, and ending November 30, 2005; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I want to discuss one of the many potential problems that will face this Nation in the aftermath of Hurricane Katrina. We have all heard the stories of the displacement of thousands of citizens from Louisiana, Mississippi, and Alabama. Many of these people have lost everything—their homes and belongings destroyed.

Undoubtedly, some of these people are veterans with claims they wish to appeal from the Board of Veterans' Appeals to the Court of Appeals for Veterans Claims. Under current law, a veteran has 120-days to file a notice of appeal to the Court of Appeals for Veterans Claims. If a notice of appeal is not filed within the 120-day window, the veteran essentially loses the right to appeal and might not receive benefits to which the veteran is entitled.

Given the current conditions in the gulf coast region, Congress must conclude that 120 days is not enough time for a veteran to file a notice of appeal. The sheer stress of the situation and the possibility that veterans and their advocates may not have access to the appropriate files makes 120 days for appeals unreasonable.

I have submitted legislation that extends the window for a notice of appeal from 120 days to 240 days for a veteran affected by Hurricane Katrina. This extension will provide appropriate relief to those attempting to rebuild their lives. Veterans should not be additionally burdened during these turbulent times.

I urge my colleagues to support this commonsense legislation and it is my hope that this legislation will pass the Senate in the near future. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR APPEAL OF CERTAIN DECISIONS RENDERED BY BOARD OF VETERANS' APPEALS.

(a) APPEAL PERIOD.—Notwithstanding section 7266(a) of title 38, United States Code, a Hurricane Katrina-affected person adversely affected by a final decision of the Board of Veterans' Appeals, which is rendered during the period beginning on June 1, 2005, and ending on November 30, 2005, may file a notice of appeal with the Court of Appeals for Veterans Claims at any time before the expiration of 240 days after the date on which notice of such decision is mailed pursuant to section 7104(e) of such title.

(b) DEFINITION.—In this Act, the term ''Hurricane Katrina-affected person'' means a person—

(1) who, as of August 28, 2005, resided in a county identified as being adversely affected by Hurricane Katrina in Florida, Louisiana, Mississippi, or Alabama by Federal Disaster Declaration notice 1602, 1603, 1604, or 1605, respectively (as amended), issued by the Federal Emergency Management Agency; or

(2) whose claim is under the jurisdiction of the Department of Veterans Affairs regional office in New Orleans, Louisiana or Jackson, Mississippi.

By Mr. VOINOVICH (for himself and Mr. CONRAD):

S. 1730. A bill to establish the Trust Fund Administration to invest in non-Federal Government debt instrument index funds all Federal trust fund revenues transferred to the Federal Government upon the issuance of special rate Treasury obligations to such trust funds, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to join Senator VOINOVICH of Ohio in introducing a new Social Security lockbox proposal, the Truth in Budgeting Act of 2005. For years, I have urged my colleagues to stop what I believe is the reckless practice of raiding Social Security trust fund surpluses to pay for other things. By failing to save these surpluses, we are putting future generations in the position of having to borrow trillions of dollars to make good on our Social Security, Medicaid, Medicare, and other commitments.

The legislation Senator VOINOVICH and I are introducing today would not only take Washington's hand out of the Social Security cookie jar, it would literally take the cookie jar away. If our bill is adopted, Social Security surpluses and other trust fund surpluses would no longer be used to fund other functions of Government and to mask the size of the Federal deficit. Instead, Social Security payroll taxes would be used to provide future Social Security benefits, as they were always intended.

Our bill would end the practice of spending trust fund surpluses. Instead, it would require those surpluses to be set aside and invested in a broadbased bond index fund that will be drawn on to finance our future obligations. In many ways, this legislation is a truth-in-budgeting bill because it will force us to recognize the true size of our fiscal deficit. It is our hope this will force Congress and the President to work together to address not only our current budget imbalances but our long-term entitlement challenges.

Let me take a few minutes, if I could, to explain why I think this legislation is so important.

Our budget situation has taken a dramatic turn for the worse. Over the last 5 years, we have gone from record surpluses to record deficits. The 2005 deficit is now projected to be $331 billion, the third worst in U.S. history. That is before Katrina. The increase in debt this year will be far higher.

This is something that I find confuses the American people, confuses my constituents, confuses the media, and perhaps even confuses our colleagues: The advertised deficit—$331 billion before Katrina—is not the amount the debt will increase by this year. The amount the debt will increase by is much larger, approaching $589 billion, and that is before Katrina. Why the difference? Because in the deficit calculation, borrowing from trust funds is ignored. It is not ignored when you consider how much the debt is increasing. It is ignored in the deficit calculation.

But, for example, the $173 billion this year that will be borrowed from the Social Security trust fund and used to pay for other things, is not included in the deficit calculation. It is added to our debt. It has to be paid back. It is not included in the deficit calculation.

There are $85 billion of other transactions, such as that one, that will add up to a total of a $589 billion increase in the debt. Again, that is before Katrina.

Looking forward, our current budget takes every penny of Social Security surplus over the next 10 years to pay for tax cuts and other spending priorities. Over the next 10 years, under the budget that has been passed here, every penny of Social Security surplus is being taken to pay for other things—$2 .5 trillion.

The reported shortfall in Social Security over the next 75 years is $4 trillion on a net present value basis. I, frankly, do not believe that. I think that shortfall is significantly overstated. But if it were real, if it were $4 trillion, look at the comparison here on this chart: We are taking $2.5 trillion in Social Security money over the next 10 years, using it to pay for other things, when we say Social Security has a $4 trillion shortfall on a net present value basis. What sense does this make? We are digging the hole deeper before starting to fill it in.

I said something I want to go back to because I indicated I do not believe the projected $4 trillion shortfall in Social Security is correct. That is the estimate of the actuaries. I think they are wrong. Why do I think they are wrong? Because their whole scenario is based on economic growth for the next 75 years averaging 1.9 percent a year. Over the previous 75 years, the economy has grown at 3.4 percent a year. If the economy were to grow in the future as it has in the past, 80 percent of the Social Security shortfall would disappear.

Does that mean we do not have a problem? No. I wish it did. We have a huge problem. The problem we have, I believe, is a budget problem. The problem we have is, first, we are running very large deficits now before the baby boomers retire. No.2, the shortfall in Medicare is 7 times the shortfall in Social Security, approaching $30 trillion. There is the real 800-pound gorilla.

In Social Security, the problem is not so much the shortfall, at least from my perspective. I think the problem is that the assets in the Social Security trust fund—and there are assets there. Anybody who tells you there are no assets there is wrong. There are assets there. They are special-interest Government bonds, backed by the full faith and credit of the United States, that are in the trust fund. The problem is, those bonds have to be redeemed out of current income. That is the problem. Those bonds sitting in the Social Security trust fund have to be redeemed out of current income.

We already have a circumstance in which we are running massive deficits. We have this looming shortfall in Medicare. Oh, yes, we have a problem. We have a big problem, and the sooner we get at it, the better. The first thing to do is stop diverting Social Security money to use for other purposes. As I have indicated, this increase in debt is happening at the worst possible time, right on the brink of the retirement of the baby boom generation. The number of Social Security beneficiaries is projected to climb to 81 million people by 2050. This is not a projection. It is not a projection. The baby boomers have been born. They are alive today. They are going to retire, and they are eligible for Social Security and Medicare. That has enormous implications for the future.

As stunning as it may seem, we are only 3 years away from the beginning of the retirement of the baby boom generation. Social Security trust funds are running surpluses now. But starting in 2017, payroll tax revenue will no longer be sufficient to pay for benefits. Those bonds we are issuing to the Social Security trust fund will have to be redeemed out of current revenues at the time. At this point, as shown on the chart, the Social Security surpluses will turn into Social Security deficits—out here in 2017. When that happens, a serious budget crunch will ensue, unless we find a way now to save those surpluses.

Another way of looking at this is by looking at the total balances in the Social Security trust funds, which are expected to peak at over $6 trillion in 2026. As shown on this chart, this is the pattern of the Social Security trust fund assets. You can see, right now we are at about 2005, about right here, and we are still in the buildup phase. There are massive surpluses being run in the Social Security accounts. But instead of the money being used to prepay the liability or to pay down debt, the money is being used to pay for other things.

So here we have it. We have this massive buildup. In 2026, roughly, the trust fund assets peak at $6 trillion, and then they begin being drawn down precipitously. We have a problem. It is a serious problem. It is a problem that is inexorable. Unfortunately, our current budget policy is contributing to the problem because it is taking the amount that is in surplus every year and using it to pay other bills. That is comfortable. That is easy. But it does not help us deal with the problem.

In 2001, I urged my colleagues to set aside $900 billion of what was then projected to be surplus to either prepay the liability or pay down debt. For those who are advocates of personal accounts, the money could have been used to establish personal accounts, not borrowing it but putting real assets behind it. For those who do not like personal accounts, the money could have been used to pay down debt to better prepare ourselves for the time when the baby boomers retire.

The chart I was showing before perfectly illustrates why this is no time to permanently or continually divert Social Security and other trust fund surpluses to other purposes. Failing to return to a fiscal path of saving trust fund surpluses will severely limit Congress' ability to address the looming pension and health care needs of the baby boomers and will shift a larger debt and tax burden on to future generations.

Any private-sector corporation that behaved like the Federal Government is behaving would find its chief officers on their way to a Federal institution, but it would not be the Congress of the United States, it would not be the White House. Anybody who was running a private-sector entity that took trust fund assets, retirement fund assets of its employees, would be guilty of a Federal crime. They would be on their way to a Federal institution. It would not be Congress; it would not be the White House; they would be on their way to a Federal penitentiary.

What is happening here is a shell game, and it is a shell game with enormous consequences, not like a shell game where somebody bets on some corner deal and loses $10 or $20. This is a shell game being played by society. I believe it is time to put a stop to this practice of borrowing against future commitments.

That is why I am proud to join Senator VOINOVICH to introduce a newly designed bipartisan lockbox bill to stop the raid on Social Security and other trust funds. This legislation says enough is enough. The raid on Social Security and other trust funds has to stop. It is time to start saving Social Security surpluses for Social Security and to stop raiding the Social Security piggy bank to pay for other priorities.

With this bipartisan legislation, Senator VOINOVICH and I intend to finally put Social Security in a lockbox that works. Our bill takes a new tack on the lockbox concept by fundamentally changing the way in which Social Security and other trust fund surpluses are invested. The legislation would create a new Office of Trust Fund Administration at the Treasury Department that would be charged with investing Social Security and other trust fund surpluses in safe, non-Federal debt instruments, including State municipal bonds, corporate bonds, mortgage-backed securities, and bond index funds. These interest-bearing investments could only be used to meet the obligations of Social Security and other Federal trust funds.

Under our proposal, trust fund surpluses would no longer be used to fund the general operations of Government, and the true size of the Federal deficit would be revealed, forcing us to tackle these deficits head on. This bill, if passed, would force Congress, the President, and the public to recognize the true cost of Federal borrowing, and it would force the Federal Government to invest in real assets that could be used to finance future financial obligations.

I believe our Nation is in a precarious financial position. Unfortunately, our current budget policies have worsened our outlook by driving the Nation further into deficits and debt. We need to begin by returning to budget discipline and paying down debt.

It is time for us to take a new direction. I believe this legislation is an important first step.

I thank my colleague, Senator VOINOVICH, for his work on this matter. He has spent months pursuing the issue. I am honored to join him. I believe this is an important policy change for the country and for the Congress. I hope that my colleagues will support it.

By Mr. THUNE:

S. 1733. A bill to establish pilot projects under the medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies; to the Committee on Finance.

Mr. THUNE. Mr. President, as I traveled across my State of South Dakota this August, I heard from many constituents about the high cost of health care. Concerns about the cost of health care are not limited, however, to the people of South Dakota. These concerns span across state lines and across the minds of people of all ages.

There is no one-size-fits-all solution to the issues of access and cost of health care.

My State of South Dakota is rural. In South Dakota, 46 out of our 66 counties are classified as medically underserved areas—areas that have insufficient health resources, manpower or facilities to meet the medical needs of the population. This poses a significant challenge in providing health care to the 750,000 residents of South Dakota.

Providing high quality affordable health care will take the cooperation of both the public and the private sector. The use of technology in the delivery of health care has been a proven method in providing quality care while reducing cost.

Telehealth uses telecommunications and information technologies to provide health care services at a distance. It provides individuals in remote underserved areas access to specialists and other health care providers through the use of technology. This means that when my constituent in Gregory, SD, needs his skin examined by a dermatologist, he does not need to travel the 185 miles to Sioux Falls.

The practice of telemedicine, however, has been underutilized and underfunded despite numerous studies praising the ability of telehealth to deliver care to individuals in remote areas.

The adoption of telehealth has been hampered by legal, financial, and regulatory barriers.

My legislation, the Fostering Independence Through Technology Act of 2005, takes a step in the right direction of breaking down the barriers that prevent the adoption of telehealth. It provides incentives for home health agencies to purchase and utilize home monitoring and communications technologies. My legislation is pro technology, pro quality, and pro savings.

Specifically, my bill requires the Secretary of the Department of Health and Human Services to create demonstration projects that would encourage home health agencies to utilize remote monitoring technology. Utilizing technology in the home health setting would reduce the number of visits by home health aides while still providing quality care.

Each demonstration project is required to include a performance target for the home health agency. This target will be used to determine whether the projects are enhancing health outcomes for Medicare beneficiaries as well as saving the program money.

Each year, the home health agency participating in the pilot will receive an incentive payment based on a percentage of the Medicare savings realized as a result of the pilot project.

The demonstration projects would be conducted in both rural and urban settings because medically underserved areas exist across the country. One project, however, is required to be conducted in a state with a population of less than one million.

Technology is improving each and every day. I ask then, why one of the biggest industries in our Nation—health care—is not utilizing this technology to reduce costs and improve the quality of care delivered. Breaking down the barriers that prevent wider adoption of telehealth will improve our system of care and lower the cost of health care for individuals across the country.

The practice of telehealth brings medicine to people, people who live in medically underserved areas and people who are too frail or too ill to leave the comfort of their homes.

My legislation answers the call for wider adoption of telehealth and provides Medicare beneficiaries independence without sacrificing quality of care.

It is time for Congress to tackle the legal, financial, and regulatory barriers that are preventing the implementation of technology into the health care field. The legislation that I am introducing today takes a giant step in this direction and I urge my colleagues to support this legislation.

By Mr. BINGAMAN:

S. 1734. A bill to establish the Valle Vidal National Preserve in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to preserve a special place in my home state of New Mexico, the Valle Vidal.

New Mexico is a State filled with natural wonders, so when you hear people referring to the Valle Vidal as ''New Mexico's Yellowstone'' you have to stop and take notice. Any visitor to the place won't find it hard to see what inspires such a grand comparison. The scenic and wildlife features of the Valle Vidal stand out, even in the spectacular country of northern New Mexico.

For decades the area was admired from afar by the public as a famous private hunting and fishing ranch, until it was finally taken into public ownership in 1982. Since then, the Valle Vidal has become a premier destination for all manner of lovers of the outdoors. Whether you are drawn to its beautiful aspen stands, its wide meadows and the spectacular views they afford, its abundant wildlife, or the outstanding camping opportunities that the Boy Scouts take advantage of every year, there is much to cherish in the Valle Vidal.

As the home and crucial wintering ground of the State's largest elk herd the area is of iconic value to New Mexican hunters. The elk herd is so prized that the State only allows for a once-in-a-lifetime permit to hunt there. I am told those that do get a permit rarely return unhappy.

The Valle Vidal is also home to native Rio Grande cutthroat trout and will play an important role in the State's plans to recover that species from its depressed numbers today.

The Forest Service has recognized the unique values of the Valle Vidal and manages the area with a special emphasis on wildlife but they are required under current law to consider developing the eastern half for coalbed methane production. They have completed their estimates of the available gas resources under the Valle Vidal and any further analysis would be the responsibility of the lessee. Based on the estimates the Forest Service has done it is clear that, although there is certainly money to be made drilling for gas in the Valle Vidal, the amounts that could be produced are of no national significance. The Forest Service has begun the process of amending their management plan for the area and would later begin analyzing the potential conflicts that drilling would encompass sometime late next year. This bill would remove the need for the second part of that process.

New Mexico has significant coalbed methane resources in both the Raton Basin, where the eastern half of the Valle Vidal is, and the San Juan Basin. In fact, the San Juan basin is one of the Nation's foremost natural gas production areas, generating about 1 trillion cubic feet of gas each year. New Mexico is one of this country's foremost producers of oil and natural gas and we are proud of what we do for our Nation's energy picture. But New Mexicans are also proud of our wild country. The places we love define our character as much as the work we do.

The undefinable characteristic of being a New Mexican is shown the most clearly in the places we cherish—the places that we recognize as so special that we want to set them aside for our children and our grandchildren. This is particularly true when it is not an easy choice to set them aside. It would be easy to simply pursue resources wherever we find them. We certainly need the energy and have shown remarkable ingenuity in extracting oil and gas from places previously thought unreachable and with gradually lessening effects on the surrounding landscape. But our essential character is revealed in making the harder choice to slow down and recognize that some places are special and warrant special treatment. The Valle Vidal is such a special place.

Even if there were significant gas resources under the Valle Vidal it would be very difficult to risk turning it into an industrial zone. But we don't really face that choice here. The eastern half of the Valle Vidal comprises less than 1 percent of the gas-producing Raton Basin. According to the Forest Service, even with the most optimistic projections the gas resources are less than one-half of 1 percent of the Raton Basin resources. Using those same projections and even with intensive development we could only expect enough gas to come out of the Valle Vidal over its 20 year development to meet our Nation's gas needs for less than 3 days. In short, drilling the Valle Vidal wouldn't make a dime's worth of difference in our national energy picture.

The Raton Basin will continue to be developed and I'm sure we will continue to find additional areas in New Mexico to meet this nation's growing energy needs but I hope we can set aside this place to meet some of our other needs. Our need to get outside and experience the best the natural world has to offer. By creating the Valle Vidal National Preserve with this bill we can take the opportunity to preserve an essential piece of New Mexican character and demonstrate once again that value is more than a question of dollars and cents.

By Ms. CANTWELL (for herself, Mr. REID, Mr. DURBIN, Mr. INOUYE, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. WYDEN, Mr. KOHL, Mr. SCHUMER, Ms. STABENOW, Mr. DORGAN, Mr. JEFFORDS, Mrs. BOXER, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. HARKIN, Mr. REED, and Mr. SALAZAR):

S. 1735. A bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Energy Emergency Consumer Protection Act of 2005. I want to thank the original cosponsors of this legislation, which include Senate Minority Leader REID, and Senators DURBIN, FEINSTEIN, KERRY, FEINGOLD, CLINTON, KOHL, SCHUMER, STABENOW, DORGAN, and CORZINE.

This legislation would put in place a Federal law to prohibit gasoline price-gouging during national emergencies, and would institute new protections for American consumers from manipulation of oil and gasoline markets.

Even before the devastation caused by Hurricane Katrina and its tragic aftermath, skyrocketing oil and gasoline prices were burdening American families and our Nation's economy—with the notable exception of the oil industry, which continued to rack up record profits. Already in my home State of Washington, prices had reached 74 cents a gallon more than last year before the storm hit. After the storm—though our supplies were not directly affected—prices topped $3 per gallon in some areas of my State, including some of the most rural and economically challenged. And following that tragic storm, gas prices in some areas of this Nation reached almost $6 per gallon.

The volatility in oil and gasoline prices shows few signs of abating. Just yesterday, we saw oil set the new record for a one-day spike in prices. At the New York Mercantile Exchange, those prices rose more than $4 per barrel just yesterday, to close at $67.39. That's the largest single-day price spike since oil started trading on the exchange, in 1983.

It's clear to me that we have a lot of work to do, if we're going to get serious about addressing one of the most important challenges facing our generation of Americans: improving our Nation's energy security. We need a long-term plan and national commitment to free us from our over-dependence on oil in general. We need to make the American economy more fuel efficient, and position this Nation to compete in the 21st Century economy. It is in our Nation's long-term economic and national security interests to improve the fuel efficiency of American vehicles, provide consumers with the tools to make smart choices, provide those same consumers with a broader array of fuel-flexible vehicles and transportation options, and expand our production of home-grown biofuels, in more diverse regions of this country. Especially when it comes to fuel efficiency, this body has to date lacked the political will necessary to take the steps we must to bolster this Nation's energy and economic security. Along with my colleagues who have been tireless champions on this issue for so long, Senators FEINSTEIN and DURBIN, I will continue to fight to put our Nation on the right path when it comes to fuel efficiency.

But in the short-term, we also need to take a close look at the lack of transparency and increased concentration in the oil and gasoline markets, which has left us in a situation where the very few can set the prices that impact the lives of so many. And we need to make sure we have a national plan—triggered in cases of national emergencies—that makes it clear profiteering at the gas pump will not be tolerated.

Right now, the oil companies know we don't have a plan to protect American consumers. That's why we need a Federal law that's going to prohibit price gouging, and assess Federal penalties from those who exploit national tragedies to maximize their profits. That is why my colleagues and I have come together today to introduce this legislation.

In the wake of Hurricane Katrina, we have already heard gas station owners complaining that the big oil companies ordered them to raise prices. Investigating those claims should be the top job of federal regulators—and there should be harsh penalties for that kind of behavior, profiteering in the midst of a national disaster.

Today, 28 States have anti-gouging laws on the books. Unfortunately, my own State is not among them. But in crafting this legislation, I have looked to those other state laws—focusing specifically on the law of the State of New York, where price gouging cases have been successfully prosecuted in the past, related to natural disasters.

But I also want to remind my colleagues again that, while Hurricane Katrina exposed the underlying vulnerability of the American economy to supply disruptions, average U.S. gasoline prices were already 75 cents more than they were a year earlier—and many consumers had begun to ask why. While the oil companies have filled their coffers with record profits over the past few years, our Nation's airlines, truckers, farmers and small businesses across the board are struggling to make ends meet because of skyrocketing fuel costs. Worker pensions are in jeopardy, and families are already feeling the squeeze.

That's why this legislation also contains provisions to ban manipulation in oil and gasoline markets, and institutes new market transparency, investigation and enforcement mechanisms. These measures are based on provisions in the recently enacted bipartisan energy bill that prohibited these practices in other sectors of the energy industry. It provides for the same kind of anti-manipulation and transparency rules as those with which electricity and natural gas industries must comply. This legislation would apply the same sort of anti-manipulation and transparency standards to the oil industry that we already apply to companies that sell other essential energy commodities.

Already, these prices are impacting a diverse swath of the U.S. economy and hurting hard-working Americans. According to the Department of Energy, Americans will spend over $200 billion more on energy this year than they did last year, totaling over one trillion dollars.

These energy prices are also costing us jobs. On average, every time oil prices go up 10 percent, 150,000 Americans lose their jobs—based on the calculations of the Bureau of Labor Statistics and Federal Reserve Board.

What's more, according to the nonpartisan Congressional Budget Office, a 40 percent increase in gas prices this month will decrease total domestic consumption by 0.4 percent. And unless prices come down in the fourth quarter, our Gross Domestic Product (GDP) will fall by 0.9 percent. These energy price spikes are strangling economic growth. According to the Congressional Research Service, every time oil prices go up by 10 percent for a sustained period of time, we lose somewhere between $80 billion and $160 billion in economic growth.

But while these prices are hurting the economy as a whole, they are having a particularly profound impact on our Nation's energy-intensive industries. For example, they are hampering the American airline industry. The airline industry estimates it will pay $9.2 billion more for fuel in 2005 than in 2004, a 103 percent increase from 2001. As Southwest CEO Steve Kelly told the Seattle Times just last week, ''We are now facing energy prices that no airline can make money at, at least with today's [ticket prices].''

These prices are also making it impossible for our farmers to break even. Even during a good year, farmers operate on profit margins of only about 5 percent, so fertilizer, fuel, and pesticide price increases of 20 percent or more have made it very difficult to get by.

Other sectors of the transportation industry are also being dramatically impacted. Take, for example, the trucking industry. Diesel fuel accounts for a quarter of the trucking industry's operating expense, or $85 billion in 2005. Each penny increase in diesel costs the trucking industry $350 million over a full year.

And these prices are impacting essential services in this country. School districts and local governments are feeling the pain, as are federal agencies themselves. Higher fuel prices are expected to add $300 million to the Postal Service's transportation costs nationwide this year.

What about the pain these prices are causing, in other ways? Energy costs are putting pensions at risk and requiring taxpayer bailouts. That's particularly true when it comes to the hundreds of thousands of airline workers in this country. United Airlines has already transferred $6.6 billion of its pension obligations to the government pension agency. If Delta and Northwest terminate their pension plans following their bankruptcy declarations, taxpayers would have to cover another $12 billion.

And these prices are especially harmful to low-income Americans. Households with incomes under $15,000—about one-fifth of all households in this country—this year will spend around 10 percent of their total income on gasoline alone.

And what's going to happen this winter? Heating costs for the average family using heating oil are projected to hit $1,666 during the upcoming winter months. This represents an increase of over $400 over last winter's prices and $700 more than the winter heating season of 2003 and 2004. For families using natural gas, prices are projected to hit $1,568, representing an increase of over $600 over last year's prices and $640 more than 2003 and 2004.

These alarming statistics lead me to question where is all this money going? The Congressional Budget Office wrote recently that increased gasoline prices are ''basically a temporary redistribution of income from consumers of gasoline to the stockholders of refiners.''

This is a situation that is causing gross inequities between different industries themselves. Oil industry profits have nearly tripled over the last three years to roughly $87 billion last year—likely to be even more this year—while the airline industry has lost over $32 billion over the last four years.

How is this happening? While we watch all of these economic impacts transpire, our federal regulators have allowed the oil industry to strengthen its choke-hold on American consumers and businesses. According to the independent Government Accountability Office, mergers and increased market concentration with the U.S. petroleum industry has led to higher wholesale gasoline prices in this country.

That's why it's time for this body to do something about it. The Energy Emergency Consumer Protection Act is a common-sense approach to protect American consumers from gasoline price gouging during national emergencies. And it begins to shine the spotlight on the marketing practices of the oil industry in general.

I thank my cosponsors for their support, and I ask my colleagues to support this legislation.

Mr. KOHL. Mr. President, I rise today to join Senator CANTWELL in cosponsoring the Energy Emergency Consumer Protection Act of 2005. This bill will, for the first time, give our Federal Government the needed tools to prosecute those unscrupulous individuals and companies that seek to take advantage of emergencies and disasters by price gouging consumers in the sale of gasoline and other petroleum products. With the tremendous suffering caused by Hurricane Katrina resulting in gas supply disruptions, and with gas prices at record levels well in excess of $3.00 per gallon in many places throughout the Nation, the time is now for passage of this essential legislation.

In the wake of the Hurricane Katrina disaster and the associated disruptions to supply and distribution networks, the national average price of gas is now at record levels. Allegations of price gouging and drastic price spikes were unfortunately commonplace in the immediate days following the disaster—including, for example, gas being sold at $6.00 per gallon in the Atlanta area. Many believe that the human suffering caused by loss of life, housing, and employment, has been compounded by some unscrupulous individuals and businesses who have taken advantage of the emergency by gouging consumers. Yet, under current law, the Federal Government has virtually no ability to prosecute such price gouging. Our bill will correct this critical deficiency.

This legislation contains several important provisions. First, it gives the President the authority to declare an energy emergency during times of disruptions in the supply or distribution of gasoline or petroleum products. Second, the bill, for the first time, declares illegal under federal law selling gasoline or petroleum products at a price unconscionably high or when circumstances indicate that the seller is taking unfair advantage to increase prices unreasonably in times of energy emergency. Those who violate this law face civil penalties of up to $3,000,000 per day and criminal penalties, including jail terms of up to five years for individuals, as well. The bill also forbids market manipulation in connection with the sale of gasoline and petroleum products and empowers the experts at the Federal Trade Commission to write regulations setting forth specific conduct constituting market manipulation. Additionally, our bill gives states Attorneys General the power to enforce these provisions as well.

These measures are an urgently needed deterrent to prevent all those who would seek to profit from this enormous tragedy by price gouging consumers in the price of gasoline. It will protect consumers—both those who were the victims of the immediate effects of Hurricane Katrina and those around the country—who suffer every day at the gas pumps from the real and growing economic pain caused by record high gas prices. As Ranking Member on the Senate Antitrust Subcommittee, I believe that this legislation is necessary to prevent unscrupulous companies using the disaster on the Gulf Coast to justify uncompetitive gas price hikes. All of us can agree that profiteering and price gouging in the price of an essential commodity like gasoline is simply unacceptable. Such conduct violates every principle of free and fair competition. We must give the Federal Government the necessary tools to prevent such misconduct, and prosecute those who do so.

I urge my colleagues to support the Energy Emergency Consumer Protection Act.