

to continue? Those are the questions we should be asking, and the answers to those questions will produce a success strategy.

At some point, one thing we can do to isolate terrorists in the Middle East is to leave Iraq. Then Iraqis are defending Iraq. All of us want that as soon as possible. Iraqis want that as soon as possible. But to abandon Iraq before we have implemented a success strategy is abandoning a country we have led to risk its lives in order to vote, and abandoning the brave Americans and those from other countries who have fought, bled, and died to give Iraqis their freedom and to give them an opportunity to govern themselves.

In 1994, I met a man named Larry Joyce in Chicago. He worked for the American Heart Association. Larry Joyce had been in Vietnam. He was about my age. He sought me out because he wanted anyone who might be in public life to learn the lessons he and his family had learned in Somalia. Larry Joyce's son, Casey Joyce, had been killed in Somalia. The lesson Larry Joyce wanted me to know and wanted every Member of this Senate to know and every policymaker to know was this: Before we engage in a military mission, we should do three things: One, we should have a specific mission; two, we should have more than sufficient force to complete the job; and he said, three, most importantly, we should have the stomach to see the mission through all the way to the end.

His greatest complaint about the American Government in Somalia was not the mission, not the force, but that we did not have the stomach to see all the way through to the end the mission in which his son was killed.

Larry Joyce himself has now died, but I remember that conversation. I think of his son. When I think about this war and committing American men and women to Iraq or any other place in the world, I think about seeing that mission all the way through to the end.

That is why I react badly to the talk of my colleagues who suggest an exit strategy based on some artificial date. Leaving Iraq prematurely would undermine every objective we have in the war on terror and in the Middle East. I am disappointed to hear talk of an exit approach. I would like to hear more in this Chamber and more from the administration and more in this country about a success strategy in Iraq.

Yesterday's election was a thrilling event. For the first time in 22 months it answered Secretary Rumsfeld's question of October 2003, How do we isolate the terrorists? If we do not do it, the Iraqi people do it, 7 or 8 million of them, versus 5,000 to 10,000 terrorists. They isolated the terrorists.

We should not be talking about leaving Iraq before we are finished. We should be talking today about those October elections, about those December elections, and what we can do in

our country and in Iraq to help the Iraqis have the opportunity to build a constitutional government and to be in a position in October and December to once again send a message to the world that they prefer democracy to terrorism and that they, the Iraqis, are isolating the terrorists by a vote of millions of Iraqis to a few thousand terrorists.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, yesterday freedom took a giant step forward.

History will rank January 30, 2005, alongside November 9, 1989, the day the Berlin Wall fell, as a day when man's innate desire to be free broke the shackles of tyranny.

Millions of Iraqis stood up to the terrorists and told them: We reject your credo of violence. We reject your claim that Iraq cannot join the democratic family of nations. We reject your belief that Iraqis deserve nothing more than to live in fear of oppression.

One Iraqi voter, a businessman named Samir Sabih, put it better than any of us could. Of yesterday he said:

Fear has no place in our hearts anymore. We became free.

The Iraqi elections for the National Assembly must be heralded as a major success. Turnout has been reported as being anywhere from 60 to 70 percent, defying all expectations. Thanks to the dedication and bravery of our troops, and the Iraqi police that we have trained, there was much less violence than expected. We were all moved by the courage of so many ordinary Iraqi citizens, each one risking their life to proudly display a purple ink-stained finger.

While we do not yet know the results of the election, we can name the winners—the people of Iraq—for enthusiastically embracing democracy; the nations of the Middle East, that can now look to Iraq as a model; and the people of every country, who now live in a world more favored toward freedom.

Some cynics have missed the point of this election. For instance, some say the vote is illegitimate if not enough Sunnis chose to participate. But by all reports, the Shiite majority will not let this stop Sunnis from having a voice. There will be a place for all religions and ethnicities in the government. Interim Prime Minister Iyad Allawi, himself a Shiite, has said:

Let us work together toward a bright future—Sunnis, Shiites, Muslims and Christians, Arabs, Kurds and Turkmen.

I also heard a news reporter ask yesterday whether the election results

were good for President Bush. In case this reporter missed it, President Bush was not on the ballot. Yesterday's historic achievement was not about which party can collect political points. It was about the march of freedom.

There is still a lot of hard work ahead before Iraq becomes a stable democracy. America must stay committed. The Iraqis are counting on us to help them in their quest for freedom, and we cannot, and we will not, let them down. We must do what it takes for our security's sake, so that Iraq never again becomes a cauldron of terrorism.

Many Americans and Iraqis risked everything to help realize the first free vote in Iraq since 1953. Some gave their lives. We should offer our thanks and our prayers to those who valiantly sacrificed. We can honor their deeds by completing our task in Iraq.

Amidst the joy and celebrations yesterday, one Iraqi woman actually gave birth at her polling station. She gave birth at her polling station. Despite her pregnancy, she was determined that nothing would stop her from casting her ballot. She named the child after the word "election" in her native language.

Mindful of the hard work still ahead, I hope and believe this baby will grow up never knowing tyranny and oppression, never living under totalitarian fear, never seeing a family member spirited away to be murdered.

I hope and believe this child will grow up in a free society, with the power to make his own destiny. Let's finish the job and ensure that is so.

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

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 7, the nomination of Samuel Bodman to be Secretary of Energy, that the nomination be confirmed, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate then resume legislative session. Finally, I ask that any statements relating to the nomination be printed in the RECORD.

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

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF ENERGY

Samuel W. Bodman, of Massachusetts, to be Secretary of Energy.

## NOMINATION OF DR. SAMUEL BODMAN

Mr. DURBIN. Mr. President, I rise to share some brief comments concerning the nomination of a fellow Illinoisan, Dr. Samuel Bodman, for Secretary of the United States Department of Energy.

Last week I had the opportunity to meet Secretary-designee Bodman. I learned he was born in Wheaton, IL, his mother was raised in Coffeen and his father grew up in Bement, IL, where main street is actually named Bodman Street.

I expressed to Secretary-designate Bodman a few of my concerns about national energy policy. I stressed my belief that one of our most urgent national energy priorities is increasing fuel efficiency standards. This is a critical issue and one that has been visibly absent from the administration's national energy policy. How can we claim to be serious about reducing America's dangerous dependence on foreign oil if we don't get serious about encouraging greater fuel efficiency?

We hear the same excuses all the time for failing to act: Cars will be unsafe. The technology isn't available. The truth is, the technology is available and the higher fuel efficient cars are on the road. The majority of them, however, are Japanese.

I'm lucky. Fortunately, after 6 months of waiting, we recently purchased a Ford Escape hybrid. This car achieves anywhere from 31 to 36 miles per gallon of gasoline. Clearly, the technology is there.

What is needed, I stress again, is comprehensive energy policy that places greater emphasis on conserving energy and promoting fuel efficiency rather than simply drilling more oil wells in ever more fragile wilderness areas.

I also expressed to Dr. Bodman my strong support for the energy department's research and development programs, for advancing energy technology, and for helping to maintain our Nation's leadership in advanced science.

One project I support strongly is the DOE Science Advisory Committee's highest priority recommendation, the construction of a rare isotope accelerator. This project is critically important in maintaining our Nation's position as a leader in nuclear research.

The Department of Energy is in the process now of finalizing its decision on where to place the rare isotope accelerator. Among the contenders is Argonne National Laboratory at the University of Chicago.

I am working closely with my colleagues, Speaker DENNIS HASTERT and Congresswoman JUDY BIGGERT to try to bring the rare isotope accelerator to Argonne.

First, Argonne has already built a major isotope accelerator and is the only facility in America with the experience and management already in place to get this project up and running.

Second, Argonne has the necessary infrastructure to support the project. Argonne's existing infrastructure would save the Federal Government approximately \$100 million in project costs. At a time of tight budgets and spending constraints, this alone is an appealing benefit.

Finally, Argonne is located just 25 miles southwest of the Chicago Loop, close to both Midway and O'Hare International Airport, making it readily accessible to researchers around the world.

The rare isotope accelerator will allow researchers to delve into the origin of elements that make up the world. The research at this facility will provide us the opportunity to advance the application of nuclear medicine and enhance our understanding of environmental science and the biology of the Earth. This project would be an extraordinary asset to Illinois. With an initial investment of \$1 billion in Illinois's economy, the rare isotope accelerator would bring 1,750 permanent jobs and 16,000 temporary construction jobs to Illinois. It would make Illinois a hub for scientific research, discovery and collaboration.

I encourage Secretary-designee Bodman to give a good look to Argonne's application. I believe strongly that he will find Argonne's expertise, success and cost-saving efforts make it the best site for this facility.

Finally, I appreciated the opportunity to discuss with Dr. Bodman my interest and strong support for the Energy Department's FutureGen project.

In the 1970's there were 71 operating coal mines in Illinois. Today, there are only 21 active mines. Over the past 30 years the economy in Southern Illinois has slowly collapsed, leaving thousands of people unemployed.

The FutureGen project will advance energy production into the future by creating an integrated sequestration and hydrogen production zero-emission fossil fuel plant.

Southern Illinois is the perfect location for such a facility. Illinois contains more than 25 percent of the Nation's total recoverable bituminous coal reserves, and it also contains deep saline aquifers, available for the sequestration of carbon dioxide. While creating a use for the high sulfur content coal in the State, the FutureGen plant would help revitalize the Southern Illinois coal industry.

I am pleased to support Dr. Bodman to be America's next Energy Secretary and I look forward to working with him and the Illinois delegation to bring this project to our State and to decrease America's dependence on foreign oil.

Ms. CANTWELL. Mr. President, today, the Senate is considering the nomination of Dr. Samuel Bodman to be the next Secretary of Energy. I understand that Dr. Bodman is likely to be confirmed. Though I will support his nomination, I want to review my understanding of Dr. Bodman's commit-

ment to several issues that are critical to our Nation and specifically to my State of Washington, so that he can begin his tenure with a clear understanding of this Senator's expectations.

During his confirmation process, I had the opportunity to meet with Dr. Bodman personally and to engage him and seek his views on the policies of the Department of Energy. Among the issues I raised were several of critical importance to the State of Washington, such as maintaining the Federal Government's commitment to clean up the Hanford Nuclear Reservation, considering carefully any changes to Federal policies regarding the Bonneville Power Administration, BPA, and advancing the Federal role in research and development at institutions such as the Pacific Northwest National Laboratory. On some of these issues, Dr. Bodman stated he needs time to review them early in his tenure at DOE, and has committed to me to do so. In other cases, he was able to make a more explicit commitment on the issue's merits, such as the enforcement of the Triparty Agreement on cleanup of the Hanford Nuclear reservation.

From our interactions, Dr. Bodman has begun to develop an appreciation for just how large DOE's "footprint" is in the State of Washington and how much is at stake for our economy and environment when it comes to the many policy decisions he will make when confirmed as Secretary of Energy. It is a job that comes with a considerable number of challenges—but also incredible opportunity. Putting in place a real, forward-looking energy policy for the 21st century is not only essential for this Nation's economic security, it is my belief that it will fuel the next wave of innovation. It is critical for this country to take the technology lead in the energy sector. Otherwise, we will find ourselves in 10 to 20 years in exactly the same position we do today as it relates to our dependence on foreign oil—we will be importing the next generation of energy technology. Instead, we need to seize the opportunity before us and recognize that it is the key to securing our Nation's long-term energy independence.

As I have expressed to Dr. Bodman, the Western electricity market meltdown of 2000-2001 has had a profound impact on my State's economy, the pocketbooks and economic well-being of my constituents. Moreover, the Western crisis has brought to the forefront a number of very important policy questions about the kind of behavior that will be tolerated in our Nation's electricity markets, as the Federal Energy Regulatory Commission, FERC has continued to pursue its "restructuring" agenda.

As the Secretary of Energy, Dr. Bodman will have a very important, leading role—defined in the 1977 Department of Energy Organization Act—in guiding overall electric regulatory policy.

The incoming DOE Secretary will need to provide strong leadership and condemn the types of schemes used by Enron traders—manipulation tactics with infamous nicknames like Get Shorty, Death Star, and Ricochet.

These are more than just “theoretical” concerns for me and my constituents. Not only are Western ratepayers trying to recover some small fraction of the money they lost to Enron as a result of its unscrupulous trading practices, they are trying to avoid paying even more. Right now, Enron is claiming utilities in Washington State and Nevada alone owe about a half billion dollars more—for power Enron never even delivered. You can understand just how outrageous this seems to my constituents, who are already struggling to pay their power bills.

I am pleased that Dr. Bodman provided assurances that market manipulation cannot be tolerated and pledged to enforce applicable Federal statutes. We need to send a strong and unanimous message that these practices will not be tolerated in our Nation’s electricity markets.

Unfortunately, justice delayed is justice denied for Enron’s victims. It has literally been years now, in which the ratepayers of my State—who have already suffered enough—have been waiting for the other shoe to drop. I look forward to working with Dr. Bodman in righting past wrongs done to consumers—including those in the State of Washington—and putting in place safeguards to prevent future victimization of electric ratepayers.

As I referenced earlier in my remarks, I have emphasized to Dr. Bodman the importance of Hanford cleanup to the residents of Washington and the Pacific Northwest as a whole. It has been my experience that achieving our mutual goal of an effective and efficient Hanford cleanup suffers when relationships between the States and DOE, the congressional delegations and other stakeholders are damaged by the bad faith actions of one of the parties. Again, I applaud Dr. Bodman for publicly committing that the continued cleanup at Hanford will be done under the framework of the Triparty Agreement, TPA.

I have also asked Dr. Bodman, and he has agreed, to consult with me and other members of the Washington congressional delegation on any administration or legislative proposals regarding tank waste stored at the Hanford Nuclear Reservation. We will not tolerate the same situation that happened last year—when DOE-authored language related to the reclassification of high-level nuclear waste was inserted into the fiscal year 2005 Defense authorization bill. This negotiation that was done behind closed doors, in a committee that is not the rightful forum for debate on the issue of high-level nuclear waste and how it should be treated and disposed of. This legislative end run was viewed by me and the senior

Senator from Washington, Mrs. MURRAY, as well as the State of Washington and many of our constituents, as an ill-considered attempt to take short cuts at Hanford. I hope Dr. Bodman’s commitment to consult with me will further his understanding of this issue and ultimately lead to an agreement that these bad faith maneuvers will not be continued by the Department of Energy under his leadership.

Washington is blessed with an incredible system of clean, renewable, and cost-effective hydropower. The pitfalls of being 80-percent dependent on one particular source for electric generation—subject to the whims of Mother Nature—have been made all too apparent in the past few years.

I look forward to ensuring that the Department of Energy and the policies that the incoming Secretary supports will ensure economic stability and growth for Washington residents specifically and throughout the Pacific Northwest. In order to meet these goals, the Department of Energy should be engaged in four broad activities. They include providing some regulatory certainty to the electric industry, at the same time we set some forward-thinking, yet achievable, goals for diversifying our energy sources; rationalizing our energy tax policy, and, in tight budgetary times, target it to support emerging technologies; we need to promote a vigorous research and development effort; and finally we need to make sure we are investing in the workforce, the human infrastructure, which is critical if we are going to lead in the global energy economy.

I believe that we are using unique Federal resources towards contributing greatly to addressing some of these important challenges. Among its diverse missions within the Department of Energy, the Pacific Northwest National Lab has been a national leader in the development of “smart-grid” R&D. This “smart-grid” technology, due to be deployed throughout the Pacific Northwest, will allow a reliable response to energy demand and the propagation of a more distributive energy infrastructure. These types of programs allow us to make our energy grid more reliable, help train and grow our energy workforce for the 21st century, and sustain and grow our economy. These programs should serve as examples of progressive investment of Federal resources yielding incredible results. I look forward to working with Dr. Bodman to ensuring the future growth of these programs.

Dr. Bodman also will be responsible for furthering the investments that incentivize the long-term production of alternative energy resources, including wind and biomass. I know that many of these have strong bipartisan support in the Congress and can play a critical role in sustainable economic development, especially in rural parts of our Nation, like most of the Eastern part of Washington State. Again, it is investments like these that can ensure a

more reliable and distributive grid that will ultimately lessen our long term reliance on fossil fuels.

Finally, I look forward to educating Dr. Bodman on the importance of the long-term stability of the Bonneville Power Administration. The incoming Secretary should note that decisions about the future operation of the BPA system, including any decision to join a regional transmission organization, or RTO, should be left to stakeholders in the Pacific Northwest.

It is critical that Bonneville be allowed to continue making important investments in upgrading its transmission infrastructure. Last year’s budget called for legislation that would have effectively ended critical transmission upgrades already underway in the Pacific Northwest by effectively exhausting BPA’s borrowing authority in 2008. I hope that Dr. Bodman’s further education on these matters will yield his commitment to ensure that these transmission upgrades can be completed—a key piece in making our energy system more reliable.

Again, I am supporting Dr. Bodman’s nomination. As the next Secretary of Energy, he will be our Nation’s chief energy policymaker. I look forward to further educating Dr. Bodman on these issues that are so important to my State and working with him to address these important challenges. I ask unanimous consent that a copy of Dr. Bodman’s responses to my questions be printed in the RECORD.

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

#### QUESTIONS FROM SENATOR CANTWELL

Question No. 180: When we met, we informally discussed the challenges the Northwest faces with respect to electricity rates and our efforts to deal with the aftermath of the Western energy crisis of 2000-2001. I know you recognize the sad fact that the Northwest is far from out of the woods on the rates crisis.

Obviously, the Western market meltdown has had a profound impact on my state’s economy, the pocketbooks and economic well-being of my constituents—too many of whom have had to make the choice between keeping their heat and lights on and buying food, paying rent, and purchasing prescription drugs. In some parts of Washington State, utility disconnection rates have risen more than 40 percent.

People just can’t pay their utility bills. So you can imagine, what we’ve seen and heard since the height of the crisis—as we’ve learned about the market manipulation and fraud that took place in the Western market, while Enron energy traders laughed about the plight of “Grandma Millie”—has added tremendous insult to substantial economic injury.

Moreover, the Western crisis has brought to the forefront a number of very important policy questions about the kind of behavior that will be tolerated in our nation’s electricity markets, as the Federal Energy Regulatory Commission (FERC) has continued to pursue its “restructuring” agenda.

As the Secretary of Energy, you would have a very important, leading role-defined in the 1977 Department of Energy Organization Act—in guiding overall electric regulatory policy.

As such, before I get into some of the specifics, I want to make sure we are on the same page when it comes to these broader principles and policies:

First, do you agree that the types of schemes used by Enron traders—manipulation tactics with famous nicknames like Get Shorty, Death Star and Ricochet, many of which involved the falsification of data and have been deemed illegal by the Federal Energy Regulatory Commission (FERC)—are practices that must not be tolerated in our nation's electricity markets?

Answer: Senator Cantwell, illegal market manipulation certainly cannot be tolerated, and we should vigorously enforce the relevant laws.

Question No. 181: Do you also agree that, as a matter of common-sense policy, the victims of these schemes should not have to pay the inflated power prices resulting from market manipulation?

Answer: We must take appropriate action to protect consumers against the effects of illegal market manipulation.

Question No. 182: Do you also agree that this principle is even more important in instances in which the company perpetrating these schemes has done so while providing false information to federal regulators, making it impossible for those regulators to ensure markets are functioning properly?

Answer: Any form of market manipulation, including providing false information to regulators as you have described, is intolerable and we should vigorously enforce the relevant laws. As you know, FERC and/or the courts have the authority to review such cases and make appropriate judgments.

Question No. 183: I particularly want to ask you your views about instances where the company perpetrating these schemes has frustrated the efforts of regulators and parties trying to find the truth about the depth of its deceptions, failing to turn over relevant evidence in a timely fashion. Do you believe that, as a matter of national energy policy, a company like that should still be allowed to reap the profits of its market manipulation schemes?

Answer: As I am not aware of all the details of current allegations, I cannot comment at this time but I would reassert that I agree that regulatory authorities should act appropriately to protect consumers against unscrupulous or illegal conduct.

Question No. 184: Sadly, the theoretical situation I outlined in my first question is not theoretical at all. It's the situation that has been unfolding at FERC for the past few years. Not only are Western parties trying to recover some small fraction of the money they lost to Enron as a result of its unscrupulous trading practices, they are trying to avoid paying even more. Right now, Enron is claiming utilities in Washington state and Nevada alone owe about a half billion dollars more—for power Enron never even delivered. You can understand just how outrageous this seems to my constituents, who are already struggling to pay their power bills.

Unfortunately, justice delayed is justice denied for Enron's victims. It has literally been years now, in which the ratepayers of my state—who have already suffered enough—have been waiting for the other shoe to drop.

My understanding is that the Secretary of Energy has, under the DOE Organization Act, substantial discretion to intervene in matters pending before the Commission. There is also substantial precedent, as both Secretaries Richardson and Abraham have involved themselves in various ways in matters before FERC. I can understand why. I imagine that any Secretary would have a considerable interest in doing so, in ensuring that regulatory matters are being handled in

a manner consistent with national energy policy. I hope that you agree that what I've outlined above—the scenario in which Enron is allowed to collect money for power never delivered, at outrageous rates resulting from market manipulation—is not in the public interest, and is not the energy policy endorsed by this Administration.

Will you commit to me that, if confirmed as Secretary, you would use your authority and intervene with FERC to prevent ENRON from collecting these so-called "termination payments" which harm Western consumers?

Answer: Senator Cantwell, under section 405 of the DOE Organization Act, the Secretary of Energy has the ability to intervene, as of right, in proceedings before FERC. It is my understanding that there currently are matters pending before FERC, as well as in the courts, relating to Enron, and that some of those matters have been going on for several months or years. If confirmed, I will look into the matter and evaluate whether it would be appropriate for DOE to intervene at this point in those proceedings at FERC.

Question No. 185: In our previous meeting we also had the opportunity to discuss the importance of Hanford cleanup to the people of Washington State and the Pacific Northwest as a whole. It's also my belief that cleaning up the legacy of our defense efforts must be high on our list of national priorities. Cleanup suffers, however, when relationships between the states and DOE, the Congressional delegation and other stakeholders are damaged by the bad faith actions of one of the parties.

I know you are aware of what happened last year, when DOE-authored language was inserted into the Fiscal Year 2005 Defense Authorization bill, behind closed doors, in a Committee that is not the rightful forum for debate on the issue of high-level nuclear waste and how it should be treated and disposed of.

This legislative end-run was viewed by myself and Sen. Murray, as well as the State of Washington and many of our constituents, as an ill-considered attempt to take short-cuts at Hanford.

Will you ensure that the DOE will not attempt a similar legislative end-run around the State of Washington and its Congressional delegation on the issue of high-level waste reclassification, during your tenure as the Secretary of Energy?

Answer: Senator, I appreciated the opportunity to meet with you to hear your views about the Hanford cleanup. I agree with you on the importance of cleaning up the Hanford site in a manner that is protective of human health and the environment. The remediation of liquid radioactive waste stored in aging underground tanks in Washington, Idaho and South Carolina is by far the greatest environmental challenge facing the Department of Energy. It is my understanding that the legislation that was enacted in the last Congress only affects the Department's sites in South Carolina and Idaho. If confirmed, I can assure you that the Department will consult with you and the State of Washington on the cleanup of tank waste.

Question No. 186: Among the biggest challenges at Hanford is the cleanup of 53 million gallons of nuclear waste, contained in 177 tanks within 7 miles of the Columbia River. Already, some 67 tanks have leaked an estimated one million gallons of this waste into the ground.

Retrieving and disposing of the waste in these tanks is one of the most challenging—yet crucial—components of successful Hanford cleanup. The TriParty Agreement lays out the terms of the relationship between the State of Washington and federal government when it comes to cleanup. In the view

of the State of Washington, the agreement vests DOE with the responsibility of retrieving and cleaning up "everything that is technically feasible but no less than 99 percent" of the waste in these tanks.

As Secretary of Energy, will you commit to abide by this requirement of the TriParty Agreement?

Answer: The Department will abide by the terms of the TriParty Agreement.

Question No. 187: As you may know, this Administration's previous budgets have proposed withholding certain cleanup funds until DOE has secured what it views to be favorable outcomes in pending litigation or legislation. This has been widely viewed by many as blackmail, with the purpose of getting the State of Washington to back-down on its cleanup requirements at Hanford.

Will you commit to me that, as Secretary, you will not use these same tactics?

Answer: Senator, I am unaware of the situation you describe. If confirmed, I intend to review the accelerated cleanup program and I would be happy to meet with you and discuss this further.

Question No. 188: More generally, are you committed to working collaboratively with Washington State regulators, the affected communities' and workers' representatives, and the members of the Washington State Congressional delegation to ensure that the cleanup is fully funded and completed as soon as possible—in a manner that ensures the equal protection of the workers, the public, and the environment?

Answer: Senator, I believe that it is important for the Department to work cooperatively with the congressional delegations that represent the DOE sites, as well as with the State regulators, the local community and the workers' representatives. If confirmed, I would expect this practice to be carried out.

Question No. 189: Last year, the National Institute of Occupational Safety and Health (NIOSH) and DOE conducted audits at the Hanford nuclear site on the issue of worker health and safety. Both NIOSH and DOE came up with a long list of recommendations and corrective actions. Many improvements have been made. But I also want to ensure that DOE, as a matter of policy, is doing its job in ensuring adequate health and safety protections on an ongoing basis.

As Secretary, what procedures will you put in place to assure that the Department continues to improve its health and safety protection for workers at sites like Hanford?

Answer: The safety of the Department's workers will be a top priority for me if confirmed. I will review the safety procedures and determine whether additional measures are needed.

Question No. 190: Many major DOE procurement decisions are being challenged and overturned. What will you do to improve the quality, fairness, timeliness, and success of the DOE procurement process?

Answer: Offerors that are not awarded contracts have the right to protest the contract award and other decisions to the Government Accountability Office. It is my understanding that, on a relative basis, very few protests are filed against DOE award decisions. If confirmed, I will ensure that DOE has appropriate standards, systems and quality controls in place to guard against irregularities in the contracting process.

Question No. 191: Another major concern on the part of many of my constituents is whether DOE is implementing the President's directive to increase government procurements with small business.

What will you do to improve and expand DOE procurements that benefit small businesses, particularly those based in the local communities most affected by contamination and which will suffer severe economic

impacts when cleanup is done if local, sustainable businesses are not developed?

Answer: If confirmed, I would fully support the President's policy of increasing government procurements with small businesses.

Question No. 192: Will you support efforts to expedite evaluations of procurement involving local small businesses—particularly since extended delays are especially harmful to small companies that don't have the resources to keep teams mobilized?

Answer: It would be my intent, if confirmed, to review all of the issues surrounding small business procurement and I would be happy at the appropriate time to meet with you to discuss the matter further.

Question No. 193: DOE has made a major commitment to the Hanford Vitrification Project. The Defense Board and others have raised questions about the safety of the design and prospect for cost increases and schedule slippage. Given the supreme importance of this project to the future of Hanford cleanup, what do you propose to ensure that this facility stays on track? Is there some value in an independent review?

Answer: Senator, I appreciated the opportunity to discuss this issue with you during our recent meeting. I understand the importance of the Hanford cleanup and I share your view that the cleanup must proceed in a timely, efficient manner that is protective of human health and the environment. If confirmed, I will review the Hanford Vitrification Project and would welcome an opportunity to meet with you again to discuss this project further.

Question No. 194: The Volpentest HAMMER Training and Education Center at Hanford was built by DOE to ensure the health and safety of Hanford cleanup workers and emergency responders. HAMMER's unique hands-on "Training as Real as It Gets" is essential to the safe, cost effective, and successful completion of Hanford cleanup. Further, as the cleanup workforce decreases, more of HAMMER's capabilities will become available for other DOE missions, such as energy assurance and hydrogen safety, and for training law enforcement, security, emergency response, and other homeland security-related personnel.

Will you ensure that DOE continues to fully utilize HAMMER to protect the safety and health of Hanford cleanup workers? Will you support the development of new DOE training missions at HAMMER? Will you help with the Department of Homeland Security and other agencies to develop, expand, and support other training missions at HAMMER?

Answer: Senator, I am not familiar with this issue. If confirmed, I would review this matter and I would be happy to report to you my thoughts on HAMMER.

Question No. 195: When DOE recompetes its major site contracts for complex cleanup projects, the process often takes up to two years with extensive worker and community anxiety. Then, it may take up to another two years for the new contractor management team to get up to speed fully with subsequent impacts on the projects, workers, and communities. None of this is good for DOE, the workers, or the communities.

Will you consult to the extent allowed by law with the affected workers' and communities' representatives before a recompete decision is made, to determine the best course of action?

Answer: Generally when the government considers contract competition it uses an extensive array of mechanisms to convey public information and obtain feedback from interested parties. If confirmed, I will ensure that DOE employs these mechanisms and practices to the maximum extent practicable.

Question No. 196: Dr. Bodman, I also know you are beginning to understand the importance that I, and others in the Northwest delegation, place on the Bonneville Power Administration and the policies that affect its long-term viability. BPA has for decades been the engine of the regional economy. As such, I'm sure we'll be in frequent contact on many BPA-related issues.

First, I want to confirm something we've previously discussed. Namely, I want to ensure that you understand that the decision of whether BPA should join a regional transmission organization (RTO) is something that must be decided in the Northwest, after an inclusive stakeholder process that considers the real world costs and benefits of such a change. Can you commit to me that you will not, in your potential capacity as Energy Secretary, force BPA to join an RTO?

Answer: Senator, I appreciate your bringing the issue to my attention and while I do not feel I am in a position to make a commitment at this time, I can provide assurances that I will work with you on this issue should I be confirmed.

Question No. 197: Second, as you know, Bonneville has the statutory responsibility to maintain the reliability of the Northwest transmission system, of which it currently owns more than 75 percent. Interestingly, the Northwest is one of the few regions in the country where transmission lines are currently under construction. This is due to the unique way in which BPA uses borrowing authority, backed by Northwest ratepayers, to finance these investments. Unfortunately, the President's budget last year called for legislation that would tie Bonneville's hands, and make it virtually impossible for the agency to continue the transmission expansions necessary to maintain the reliability of the Northwest system. Under the proposal, BPA would exhaust its borrowing authority in 2008—well before the region can complete the needed transmission upgrades. Can you commit to me that as Secretary of Energy you will not support legislation that would impair BPA's ability to make these crucial investments?

Answer: I am not familiar with the funding levels being requested or other proposals for the Bonneville Power Administration in the FY '06 budget. If confirmed, I will evaluate this matter and I would be happy to meet with you to discuss your concerns further.

Question No. 198: For the past two years, the Pacific Northwest National Laboratory has been working with the Department to solve the issue of replacement facilities and lab space in the 300 Area of Hanford. The 300 Area is home to critical on-going research in science and national and homeland security, but the area is scheduled for closure by 2009 as part of the DOE accelerated cleanup program. Consequently, PNNL must vacate the area on a tight schedule, and without interrupting critical work for the DOE, NNSA, and DHS.

Planning for these facilities has begun, but the most substantial funding needs lie ahead. PNNL is an enduring asset to the state and the entire Pacific Northwest region, and we cannot afford to come up short on this investment. I understand we are in a difficult budget environment, but I would like to seek your commitment for continued funding. Will you commit to keep this effort on track?

Answer: I agree with you that the research that takes place at the Pacific Northwest Laboratory 300 Area is important to both science and homeland security issues. It is my understanding that DOE and the Department of Homeland Security are working cooperatively to ensure that a new laboratory is constructed and that the important mis-

sions at the laboratory go uninterrupted. If confirmed, I will review this matter and support it as appropriate.

Question No. 199: Research and technology applications developed to secure America's electricity grid system are being funded by the Department's Office of Electricity Transmission and Distribution. Many entities in Washington State, including the Pacific Northwest National Laboratory, have formed an Alliance that is working closely with the Department to help bring these technologies forward. I strongly support the GridWise and GridWorks programs and seek your support. Do you plan to make research and development through these programs a top priority?

Answer: I appreciate your support for the efforts of the Office of Electric Transmission and Distribution and if confirmed, look forward to working with you on programs like the GridWise and GridWorks programs.

Question No. 200: As you may know, I sponsored legislation in the last Congress to support the Genomes to Life program at the Department of Energy. I strongly support an expanded program and development of research centers to support this goal. Last year, the Office of Science released a Twenty-Year Facility Outlook that included four Genomes to Life centers. The FY05 Energy and Water Development appropriation includes \$10M to begin preliminary design of the first facility. Are you committed to fulfilling the implementation of the 20-year strategy, including the four GTL centers?

Answer: I will need to familiarize myself with this 20-year strategy for science facilities, if I am confirmed as Secretary. But, I can assure you that if confirmed, maintaining a robust scientific infrastructure will be an important priority for me.

Question No. 201: Last week, the Washington Post reported that the Bush administration's budget request would freeze most spending, including science, and slash or eliminate dozens of federal programs. In my view, this is a very short-sighted approach to ensuring the economic future of this country. In my state, for example, the DOE's Office of Science invests more than \$135 million a year in university grants and in support of the Pacific Northwest National Laboratory. Can you share with us your commitment to science and R&D investments being made at the Department of Energy?

Answer: The Department of Energy has a responsibility to maintain America's world leadership in Science. The Pacific Northwest National Laboratory certainly plays a key role in the Department's and the Nation's scientific enterprise and, if confirmed, I will pay very close attention to how we nurture that important asset in your state. While we pursue the President's commitment to deficit reduction, I can assure you that I will also work to maintain and improve upon America's scientific infrastructure that is the envy of the world.

Mr. SALAZAR. Mr. President, I am in support of the nomination of Dr. Samuel W. Bodman to be Secretary of Energy.

I look forward to working closely with Dr. Bodman as we tackle the important task of crafting a national energy policy that assures our Nation's energy independence and energy security and at the same time protects our air, land, and water for future generations.

Colorado is blessed with an abundance of natural energy resources, and the oil and gas industry is a significant part of our state economy. As long as America is dependent on foreign oil for a significant part of our energy needs,

however, our economy and our national security are at risk. We need to move rapidly toward energy independence. Renewable energy and conservation must also play a significant role as, together, we look for ways to diversify our portfolio of energy sources and reduce our dependence on fossil fuels. As we work to attain energy independence, we can also strengthen our economy, increase our national security, and protect our air, land, and water.

During Dr. Bodman's confirmation hearing before the Energy and Natural Resources Committee, I had the opportunity to discuss with Dr. Bodman a few of the many issues affecting Colorado, to which I hope Dr. Bodman will immediately turn his attention upon being confirmed today.

First, Dr. Bodman understands the importance of DOE's environmental cleanup at Rocky Flats, and he assures me that he will continue to make this a priority for the Department until the site is cleaned up and a large portion of it converted to a national wildlife refuge.

The cleanup of Rocky Flats serves as a model for the cleanup of DOE facilities nationwide, and it is therefore important to the people of my State and to the country as a whole for DOE to make its plant closure mission at Rocky Flats a priority and to complete environmental cleanup, waste management, and decommissioning by December 2006.

Second, I specifically requested that Dr. Bodman look into the Department's refusal, so far, to comply with the State of Colorado's institutional control laws, which were passed unanimously by the Colorado legislature and signed into law by our Governor. DOE has refused to put those restrictions in an environmental covenant, as required under State law. DOE has refused to comply with other States' institutional control laws as well. This refusal has raised serious questions about the long-term reliability of the cleanup now underway at DOE facilities across the country.

I strongly urge the Department to adopt a policy to comply with State institutional control laws. These are valid State laws. They enhance the safety of cleanups, and the cost of compliance is minimal. In my judgment, DOE is required to comply with these laws under the Federal Facility Compliance Act.

Dr. Bodman assured me that he would look into this important matter promptly, and I intend to hold him to that promise.

Third, Dr. Bodman pledged his support for the Department's National Renewable Energy Laboratory in Golden, CO. As you know, Mr. President, NREL is the Department of Energy's primary national laboratory for renewable energy and energy efficiency research and development. I am a proud supporter of NREL and its research projects. Providing NREL with the resources it needs will lead our Nation to greater energy independence and security.

In response to my questions, Dr. Bodman assures me the Department fully supports the construction of NREL's new Science and Technology Facility—the first new research laboratory on the lab's main campus in nearly a decade. The new facility will house key elements of NREL's world-class research in hydrogen and other promising renewable energy technologies and will push the envelope on sustainable, energy efficient building design. Construction of the facility is scheduled for completion in early 2007.

With these and other answers to my questions, I am pleased to vote today in support of Dr. Bodman's nomination to be our country's next Energy Secretary. But I want to make clear that I will continuously work to ensure that Dr. Bodman and the Department of Energy live up to these commitments to Colorado—that is my duty and I intend to fulfill it.

The Congress will work on an energy bill again this year. I look forward to working with my colleagues on the Energy and Natural Resources Committee and with Dr. Bodman to do everything we can to help develop a comprehensive and sustainable energy strategy that is also protective of a healthy environment in the West and across the country.

Thank you, Mr. President.

Mr. CONRAD. Mr. President, today the Senate is expected to confirm the nomination of Samuel Bodman to be the next Secretary of Energy.

As Secretary of Energy, Mr. Bodman will face challenges that are critically important to our economy and our national security. We depend on a stable supply of energy to keep our economy moving. Yet, the United States continues to rely too heavily on oil imports from other parts of the world, especially the Middle East. We import about 55 percent of the oil we consume, and this percentage is expected to increase to 70 percent by 2025. Similarly, we are relying more and more on imports of natural gas. This dependency puts us at a strategic and economic disadvantage. The Secretary of Energy must work with the diverse energy interests, the administration, and the Congress to develop a comprehensive Energy bill that will move us toward energy independence.

The Secretary of Energy position is especially important to North Dakota's energy producers and economy. North Dakota can be a significant supplier of electricity to the rest of the country. My State is blessed with an 800-year supply of lignite coal and the potential to be the biggest wind energy producer in the country.

The main challenge we face is developing a transmission grid that will allow our electricity producers to fully utilize these resources and send power to the rest of the country. We need to invest significant new resources in finding new ways to upgrade and expand our transmission capacity and reliability.

We also need to increase investment in, and more aggressively pursue, the development of clean coal technology. By reducing pollution from coal-burning power plants, clean coal technology will ensure that this plentiful, domestic source of energy remains a vital part of our national energy portfolio.

The nomination of Samuel Bodman is encouraging. Mr. Bodman has proven himself to be an effective manager as Deputy Secretary of the Treasury and Deputy Secretary of Commerce. In addition to his exemplary managerial skills, Mr. Bodman has the background knowledge and intellect to understand the importance of research on, and development of, advanced energy technologies. These technologies, including clean coal technology, will help us meet our country's energy challenges. I look forward to working with Mr. Bodman on the funding and development of grant programs to bring advanced technology to North Dakota's power producers and transmitters.

Today I offer my support for Senate confirmation of Mr. Samuel Bodman as our next Secretary of Energy.

---

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

---

#### MORNING BUSINESS

---

#### DEATH OF REUBEN LAW

Mr. REID. Mr. President, my native State of Nevada has always honored the brave men and women who fight to defend our Nation's freedom.

We have in Nevada a higher percentage of veterans than any other state except Alaska. We are fiercely proud of them, and we recognize that we owe them a tremendous debt.

So today, on behalf of all Nevadans, I rise to honor the life and memory of Reuben Law, who died on New Year's Day in Carson City at the age of 106.

He was a veteran of the First World War . . . one of 4.7 million who served in that conflict.

He was the last surviving Nevada resident who served in that war . . . and one of fewer than 200 surviving World War I veterans in the Nation.

Reuben Law grew up in Minnesota. He was working at a Ford plant in Minneapolis, assembling Model-T Fords, when he as a teenager enlisted in the Army.

He almost died before he ever set foot in Europe. The great influenza epidemic of 1918 was raging, and the flu claimed the lives of more than 60 soldiers on the transport ship that carried him to France.

But Reuben survived, and he served as an Army sergeant in eastern France in 1918 and 1919, transporting supplies and wounded soldiers to a military hospital.

Reuben and some of his buddies celebrated the end of the war by piling into