

who are tied to these bases, and they are going to leave and go to these hearings. Everyone should know that to wait around here and want to make sure that all of the Senators are here for a given vote—it will not work because I think there will be Senators gone virtually every day this week. I have received word from a couple of Senators who will not be here tomorrow. I know some of the hearings are going to be held in New Mexico, and I understand the two Senators from New Mexico are going to leave late in the afternoon on Thursday. They are the managers of the bill. So I hope that we can work into the night on this bill this week because if we have any hope of doing those appropriation bills next week, we have to finish this bill this week; otherwise, we will spend all next week on this bill, spending a lot of time in quorum calls waiting for people to come and offer amendments.

I am a little frustrated because I know there are people on both sides of the aisle who say they have amendments but they are not quite ready or they want to do it at a more convenient time. The convenient times are over. We will not have 100 Senators here on any day this week. That is the way it is going to be. So some of these very tough, tight amendments are going to have to be decided on the votes of less than 100 Senators.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, I am happy to yield to the Senator from New Mexico.

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

Mr. DOMENICI. I say to the majority leader and minority leader, I apologize; I was not here for the entire dialog between the two of them. I know there is this business of who is going to be absent which days, but I say to both Senators, I do not think that should keep us from continuing to insist that Senators who have amendments bring them forward. We have to see them.

Mr. REID. That is what we said.

Mr. DOMENICI. We need to know about them. There are two that we know of, one to strike the inventory of offshore assets. That will take a little while. Somebody should offer that before the day is out. That is an hour or two, and there will be a vote. We think Senator FEINSTEIN has one. We would hope that would come forth. I think over the evening and midmorning tomorrow something will filter out with reference to global warming. Whether it is one, two, or whatever, there will be a conclusion, and somebody will offer an amendment. That will be the longest one.

I do not know what the Senate leadership wants to do about the fact that it is probably real that there will not be 100 Senators each of the days, but I do not know that that ought to keep us from moving forward and getting some accord as to finishing this bill. I do not know which day, but we are not in the

kind of problem we have been in the past. As both Senators know, we can get to the amendments pretty quickly.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, to clarify the comments that were going back and forth between the Senate Democratic leader and myself, we will finish the bill this week. We pay our respects to the Senator from New Mexico by saying he has been more than willing to be here to receive amendments. The fact that there were not a lot of people either on Thursday or today rushing to the floor to offer the amendments actually leads me to be very hopeful that we will complete this bill Thursday, although I know in all likelihood it is going to be Friday. We are down to just very few amendments.

We recognize that some people will not be here over the course of even today, voting tonight, tomorrow, and the next day. That is not going to slow us down at all in our obligation to address the Nation's business. When there are amendments, we will take them to the Senate floor to debate them. I think we are discouraged a little by the fact that people are not rushing down to offer amendments. On the other hand, it kind of gives me a little bit of encouragement. It means we are going to finish this bill. We are going to file cloture Tuesday in order to finish it, in all likelihood, unless we come to some agreement by both the managers.

I congratulate them for where we are today. We intend on finishing the bill with certainty this week.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. REID. I would be totally opposed to cloture being invoked if I felt the majority was somehow stopping us from offering amendments, but that has not been the case. There has been ample opportunity for people to offer amendments. So I think we either have to have a list of finite amendments the two managers can agree on or it appears cloture would have to be invoked.

Mr. DOMENICI. I thank the Senators for their comments.

#### RESERVATION OF LEADER TIME

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

#### ENERGY POLICY ACT OF 2005

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

The assistant legislative clerk read as follows:

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

Mr. DOMENICI. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I understand the distinguished Senator, Mr. WYDEN, is here and desires to speak.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 792

Mr. WYDEN. Mr. President, I thank the distinguished chairman of the committee, Senator DOMENICI. I ask unanimous consent to call up at this time an amendment I filed with Senator DORGAN, No. 792.

Mr. DOMENICI. Reserving the right to object, is there a pending amendment?

The ACTING PRESIDENT pro tempore. There is no pending amendment.

Mr. DOMENICI. He does not need consent to bring up the amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] for himself and Mr. DORGAN proposes an amendment numbered 792.

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

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

The amendment is as follows:

(Purpose: To provide for the suspension of strategic petroleum reserve acquisitions)

On page 208, strike lines 11 through 20 and insert the following:

(e) **FILL STRATEGIC PETROLEUM RESERVE TO CAPACITY.**—

(1) **DEFINITION OF PRICE OF OIL.**—In this subsection, the term “price of oil” means the West Texas Intermediate 1-month future price of oil on the New York Mercantile Exchange.

(2) **ACQUISITION.**—The Secretary shall, as expeditiously as practicable, without incurring excessive cost or appreciably affecting the price of gasoline or heating oil to consumers, acquire petroleum in quantities sufficient to fill the Strategic Petroleum Reserve to the 1,000,000,000-barrel capacity authorized under section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)), in accordance with the sections 159 and 160 of that Act (42 U.S.C. 6239, 6240).

(3) **SUSPENSION OF ACQUISITIONS.**—

(A) **IN GENERAL.**—The Secretary shall suspend acquisitions of petroleum under paragraph (2) when the market day closing price of oil exceeds \$58.28 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

(B) **ACQUISITION.**—Acquisitions suspended under subparagraph (A) shall resume when the market day closing price of oil remains below \$40 per barrel (adjusted in accordance with the Consumer Price Index for all-urban consumers United States city average, as published by the Bureau of Labor Statistics) for 10 consecutive trading days.

Mr. WYDEN. I thank the distinguished chairman for his thoughtfulness.

Mr. DOMENICI. I wonder if the Senator would watch the floor for me while I leave for 10 minutes.

Mr. WYDEN. Absolutely. It is my intent to speak on this amendment I offer with Senator DORGAN and then lay it aside. My hope is we can work something out. I know Senator COLLINS and Senator LEVIN are working on something and desire to work with you, as well. If we bring it up now, we can start the discussion on it and work something out.

I see Senator BINGAMAN. He has been so thoughtful throughout the process as well.

Mr. President and colleagues, the reason I have come to the floor today is because oil prices per barrel are now at an all-time record high. If you scour this legislation, it is hard to find anything in it that would provide relief to the American consumer any time soon. It is my hope as we go forward with this debate, at a time when prices are in the stratosphere, that we work in a bipartisan way and at least provide some help in this legislation for the consumer who is getting clobbered by these historically high costs.

What especially concerns me is it seems to this Member of the Senate that the Federal Government actually makes the problem of high oil and gasoline prices worse every day. Every single day, the Federal Government, through its policies, is compounding the problem the consumers are seeing at the pump because it has been the policy of the Federal Government to fill the Strategic Petroleum Reserve at the worst possible time—when prices are at record-high levels.

When the prices are at a record-high level, it seems to me this is not the time to be taking oil out of the private market and putting it in the Government reserve. It just does not make economic sense to add more pressure to what is already a very tight oil supply. Reducing the supply of oil on the market, of course, leads to higher oil prices. That is simply supply and demand. Because oil accounts for 49 percent of the cost of gasoline, that means higher prices for consumers at the pump. For the life of me, I do not see how it makes sense for consumers, who are already paying sky-high prices at the pump, to then have their Government force them to pay higher prices by taking oil out of the private market and putting it into the Strategic Petroleum Reserve. So it does not make sense for the consumer, and, in my view, it does not make sense for taxpayers as well, who have to pay record-high prices for the oil that is taken off the market.

Now, this is not just my opinion. The Senate Energy Committee heard testimony last year by experts who said the policy with respect to filling the Strategic Petroleum Reserve when prices are so high jacks up costs. I asked John

Kilduff, senior vice president of energy risk management at Fimat USA, whether the SPR fill rate of 300,000 barrels per day was contributing to oil price increases. Before the committee that day, which the distinguished Senator from New Mexico, Mr. DOMENICI, chairs, and our friend, Senator BINGAMAN, is the ranking minority Member, when we were all in our committee, the expert witnesses said they do believe these policies are contributing to oil price increases. Mr. Kilduff specifically stated:

A fill rate of 100,000 represents, obviously, 700,000 barrels for a week. At 300,000 it is 2.1 million barrels. A 2.1 million barrel increase in U.S. commercial crude oil inventory in a particular weekly report would be a big build for the particular week and would help with downward pressure on crude oil prices.

So I would say to colleagues that this notion that this is something the Senate can just let the Secretary of Energy do what he wants is belied by the expert testimony we have had before the Senate Energy Committee where experts specifically said that a fill rate of several hundred thousand barrels per day is contributing to oil price increases.

As far as I can tell, under the policy we are now seeing at the Energy Department, it does not matter how high the prices are, they are just going to keep filling the Strategic Petroleum Reserve. They will continue to take oil off the private market no matter how high the prices get.

I would just like to say, Mr. President and colleagues, I am not talking about taking oil out of the Reserve. I know people very often bring that up. I am just saying it does not make sense to have the same fill rate when you are talking about historically high prices because that very high cost of filling it at that point directly hurts the consumer at the pump.

On Friday, and again today, when the price of oil skyrocketed to the highest price ever recorded on the New York Mercantile Exchange, our Government has continued to fill the Strategic Petroleum Reserve. Earlier this spring, when gasoline prices set an all-time record high of \$2.28 for a gallon of gas, the Energy Department continued to fill the Strategic Petroleum Reserve. So I say to those who have reservations about what I am advocating, I would simply ask, how high do prices have to go before we stop pursuing policies that drive the prices even higher? At some point, there should be some limit when it comes to the Federal Government actually compounding the difficulties consumers are having at the pump.

Under the language currently in the bill, there are no limits. There seems to be some language about “excessive” costs, but there is nothing that actually blocks our Government from filling the Strategic Petroleum Reserve if the price goes even higher than the current record price of \$59.23 per barrel. So I want to repeat that. Even if the

price goes to \$60 or \$70 or \$80, there is nothing that would force our Government to change its policy of filling the Strategic Petroleum Reserve at these very high prices. So with no restrictions in sight, I guess the Government can just continue indefinitely to fill the Reserve with these record prices.

To address this problem, my amendment directs that the Secretary of Energy suspend the filling of the Strategic Petroleum Reserve when the prices go above the record-high level in the market and stay above that record-high level for 10 consecutive trading days. The suspension of filling would continue until the price of oil falls back down for 10 consecutive days.

I also note the House of Representatives at least is trying to move in the direction of a bit of consumer protection because they have included a prohibition against continuing to fill the Strategic Petroleum Reserve until the price drops below \$40 per barrel. Under my amendment, current SPR filling could go forward. But additional filling would be halted when prices are at record-high levels unless there is some consumer protection for our citizens.

The bottom line is we cannot continue to allow filling of the Strategic Petroleum Reserve when our economy suffers due to high gas and oil prices without providing some safety valve. Unless this amendment is adopted or unless we can work out a compromise with Senator COLLINS and Senator LEVIN and other colleagues who worked on this—unless we can get some legislation in place—there will be no standard for action or any certainty there will be some consumer protection for our citizens when oil prices are out of control.

Now, some may argue there should not be these kinds of price triggers for the Strategic Petroleum Reserve. I guess that argument is: Let's just leave it to the Secretary of Energy. Well, there are parts of this bill, such as section 313, that do not leave matters to the Secretary's discretion, such as when you are talking about price relief, royalty relief for oil and gas producers. Section 313 of the legislation has clear price levels for when the oil companies get a break from the normal royalty policy.

So what we have here is a double standard. There are price levels to protect oil and gas producers when it comes to their royalties but absolutely no protection for the consumer who is getting clobbered at the pump and who could get some relief if the Government simply did not fill the Strategic Petroleum Reserve at a time when prices are at a record-high level.

The last point I would make is suspending the fill of the Strategic Petroleum Reserve when prices are at a record-high level will not hurt this country's energy security. The Reserve already has more than 693 million barrels now in storage. That is the highest level in history. The Strategic Petroleum Reserve is expected to be filled to

its current authorized capacity by the end of the summer.

What is more, a 2003 study by the Senate Permanent Investigations Subcommittee found that increased filling of the Strategic Petroleum Reserve when prices were high did not increase overall U.S. oil supplies. Instead, because of the higher prices, oil companies took oil out of their own inventories rather than buy higher priced oil on the market. That does not increase our overall oil supply or our Nation's energy security.

So what we have is record prices for the consumer, record costs in terms of filling the Strategic Petroleum Reserve, and the Federal Government, in effect, providing free oil storage for high-priced oil in the Strategic Petroleum Reserve so oil companies can reduce their own inventories and storage costs. That is not energy security; that is just pounding the consumer and taxpayers once more.

For these reasons, I strongly urge colleagues to place some limits on when the Energy Department can fill the Strategic Petroleum Reserve. When prices are at an all-time high, it seems that to do otherwise denies consumers a fair shake and taxpayers a fair shake. It is my view the Senate can take pressure off the price of a barrel of oil and off consumers who are getting squeezed at the pump without compromising our national security. One way to do it is along the lines of the amendment I propose this afternoon.

Mr. President, I yield the floor.

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

Mr. BINGAMAN. Mr. President, I commend the Senator from Oregon for his comments and his amendment.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, my colleague, Senator WYDEN, just offered an amendment on his behalf and mine. He spoke in support of it. Obviously, I am a cosponsor so I support the amendment. It is an amendment that is very simple. We are putting oil away underground in something called the Strategic Petroleum Reserve or SPR. The purpose of putting oil underground at this point is in the event that we would have an emergency at some point in the future, we would have a substantial inventory of oil in the Strategic Petroleum Reserve.

That SPR is nearly full. As I understand, it is well over 98 percent filled at this point. Yet we are still, each day, taking about 100,000 barrels of oil off the market and putting it underground at a time when we are effectively pay-

ing the highest price ever for that oil in order to put it there.

There are two problems with that. No. 1, at a time when we have very high prices, which means we have lower supplies and higher demand, it makes no sense to have 100,000 barrels a day taken off the market and stuck underground. Even more than that, it makes no sense to do this, with the last increment to be put into the Strategic Petroleum Reserve, at a time when oil is \$55, \$57, \$58 a barrel.

Our amendment is very simple. It would suspend the acquisition of oil at these inflated prices, suspend the acquisition of oil at a time when we need more supply, not less, and it would allow the acquisition to complete filling the SPR when the price of a barrel of oil reaches \$40 per barrel or below.

My hope is the Senate will adopt the amendment. It is just common sense. It is not rocket science to believe that if you have a Strategic Petroleum Reserve almost filled, you should not go to the market and take \$55 or \$57 oil in order to take inventory off the market at a time when you have record prices. That doesn't make any sense.

We are asking that the Senate approve the amendment.

Before the Senator from New Mexico leaves the floor, I have another matter I wish to address, but I don't intend to address something in morning business that would interrupt the work on the bill. I ask unanimous consent to speak in morning business for up to 15 minutes with the understanding that if someone comes to the floor with an amendment on the Energy bill, I will defer. I don't want to delay the bill. I ask unanimous consent for 15 minutes in morning business with that understanding.

Mr. BINGAMAN. I don't think that is going to be any major obstacle to the progress we are making on the Senate floor this afternoon. I have no objection.

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

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, will the Senator yield to me for 1 minute?

Mr. BUNNING. Absolutely.

Mr. DOMENICI. Mr. President, the distinguished Senator, Mr. BUNNING from the State of Kentucky, is going to speak, and I assume he is going to talk about the Energy bill; is that correct?

Mr. BUNNING. That is correct.

Mr. DOMENICI. I wish to say as a preamble to his speech, for those who are going to listen to him, that he is a member of the Energy and Natural Resources Committee and has been for some time. Most of the time people think that the committee is a committee of interior, public land States, but it also has a lot to do with coal and our energy future, diversification of our energy resources.

We have had a marvelous committee. Part of it is because of Members such as Senator BUNNING. He has been a great participant. He comes to the meetings, he works hard, he offers amendments. He understands we need an energy bill. He does not win all the time, but he has his views, and he has been a strong proponent for us getting our house in order and to use as much American energy as possible for our future. I commend him for it.

I trust we will get a bill out of the Senate and out of conference, one he can vote with not just a "yea" but with a hearty "yea," not just one of those softballs but one of those fastballs he used to throw. That is what we are looking for.

I yield the floor and thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I thank Chairman DOMENICI for his extremely hard work in trying to get an energy policy for the United States since I have been in the Senate.

Many of us have spoken on this Senate floor several times about the need for our national energy policy. We have been here before debating an energy bill. To some, it may seem like the same old song and same old dance. But here we are again. I am more optimistic than I have ever been about finally getting an energy bill to the President's desk.

I commend Chairman DOMENICI for his leadership and determination in helping to put America on an independent path with this energy legislation. It is a pleasure to serve with him on the Energy Committee.

The Energy bill before us is a good starting point that attempts to strike a balance between conservation and production. In the past, Congress failed to make progress on energy policy because we tried to make a choice between conservation and production, but it does not have to be one or the other.

Many of us understand that a balanced and sensible energy policy must boost production of domestic energy sources as well as promote conservation. This Energy bill takes a good step toward striking a balance, and passing an energy bill is important now more than ever.

We all know the price of energy has risen very sharply in the last few years, and it is only going to keep rising. It goes without saying that energy costs touch every single part of our economy and our lives. The average

price of gasoline has risen, for unleaded regular around this country, to about \$2.13 a gallon, and the price of oil is bumping up against \$60 a barrel. Natural gas, coal, and other fuels have also seen record prices this year. This is hitting Americans in their wallets, especially now when so many families are hitting the road for vacations.

Higher energy prices also slow business growth and force businesses to pass increased pricing on to consumers with higher priced goods. While passing an energy bill might not help energy prices in the short term, it will make a big difference over the long term.

This bill's domestic energy production provisions and increased conservation provisions will help slow these spikes of price increases. But without a new energy policy, there is not much we can do about rising energy prices. Oil producers and production are at full capacity, and with China and India upping their demands for oil, the world oil supply will be drawn down while prices continue to rise. This means that we cannot just try to conserve our way out of any kind of energy problem. We must find other sources of reliable and low-cost fuels or our economy and national security will be at risk.

We continue to depend on oil from some of the most dangerous and unstable parts of the world. It is a recipe for disaster.

The stock market jumps up and down, all around, depending on the latest reports of pipeline sabotage in the Middle East. Everyone wonders where the next terrorist attack is going to hit. We also worry about Iran's developing nuclear weapons, and we are trying with our allies to figure out a diplomatic answer that will bring stability to the region. But the Iranians do not have a lot of incentive to deal when they are getting nearly \$60 a barrel for their oil. In a way, our increasing need for energy is cutting our influence in the part of the world where we need it the most. We have to reduce our reliance on foreign oil and do a better job internally of taking care of our own energy needs.

Congress has been playing political football with this issue over the past few Congresses, and it is time to end the game. Our Nation and our national security continue to be at risk. We do not want the United States beholden to other countries just to keep our engines running and our lights turned on.

It impresses me to know that the bill contains some strengthened electrical provisions. We have outgrown our electrical system, and changes need to be made. One of the provisions in the bill is PUHCA repeal, which will go a long way in helping our energy system meet increasing demands.

Also, we desperately need to build new transmission lines. I am glad to see that this bill has some provisions which will help ensure that happens. Building a better electric system, however, should not require mandates for electricity companies to get into re-

gional transmission organizations. States and companies should be able to decide on their own what is best for their consumers. So I am pleased to see a provision in the bill that explicitly prevents FERC from mandating RTOs.

The Energy bill will also help reduce our dependence on foreign oil by increasing domestic energy production. It also provides important conservation provisions which will help protect the environment. And because coal is such a key industry in Kentucky, I am pleased that this bill contains clean coal provisions that I have authored and been pushing for a long time. The clean coal provisions will help to increase domestic energy production and help improve the environment.

Coal is an important part of our energy plans. It is cheap, plentiful, and we do not have to go very far to find it. For my home State and the States of others, this means more jobs and a cleaner place to live. Clean coal technologies will significantly reduce emissions and sharply increase efficiencies in turning coal into electricity.

Previously, our Government overpromoted production of one source of energy—natural gas. This not only depleted our supply, but it created so much demand that it completely outstripped supply and left Americans to pay higher prices for just this one energy source.

A sound energy policy should promote the use of many different types of fuels and technologies instead of favoring just one source. As we have seen time and again, putting all our eggs in one basket simply does not work.

I am glad we are turning things around and taking steps toward making sure clean coal and other sources play a vital role in meeting our future energy needs.

This bill encourages research and development of clean coal technology by authorizing about \$2.4 billion for the department of energy.

These funds will be used to advance new technologies to significantly reduce emissions and increase efficiency of turning coal into electricity.

And almost \$2 billion will be used for the clean coal power initiative.

This is where the Department of Energy will work with industry to advance efficiency, environmental performance, and cost competitiveness of new clean coal technologies.

And the Finance Committee's energy tax package provides \$2.7 billion to encourage the use of coal and deployment of clean coal technologies.

Coal plays an important role in our economy. It provides over 50 percent of the energy needed for our Nation's energy.

The Energy Information Administration expects coal will continue to remain the primary fuel for electricity generation over the next 2 decades.

As my colleagues can see, I am a little biased when it comes to coal.

It means so much to my State, and it is such an affordable and plentiful fuel

to help America in her quest for energy independency.

The 21st century economy is going to require increased amounts of reliable, clean, and affordable energy to keep our Nation running, and clean coal can help fill that requirement.

With research advances, we have the know-how to better balance conservation with the need for increased energy production at home.

The diversity of this energy package to promote new fuels is quite impressive.

There are provisions for nuclear, hydro-power, solar, wind, bio-fuels and other renewable energy sources.

All this put together with the bill's conservation provisions will help America meet its sensible and long-term energy strategy and goals.

I look forward to the continued debate and consideration of this bill.

And I hope we can get it approved, conference and sent to the President's desk for his consideration.

The quicker we can do this, then the sooner we can help make our environment, economy, and national security stronger, and the sooner we can become more energy independent from other sources.

I yield the floor.

MR. JEFFORDS. Mr. President, I want to address some statements made last week, during the debate on the Bingaman amendment No. 791, regarding community acceptance of renewable energy in Vermont. After I left the floor, one Senator tried to make a point in opposition to the creation of a national renewable portfolio standard by referencing some opposition to a wind power project in Vermont. I want to set the record straight: though we have had some siting issues, Vermonters overwhelmingly support renewable energy over nuclear, coal, or natural gas.

The Senate should not confuse local concerns about the appropriate location for wind power siting in Vermont as a monolithic objection to any new renewable energy in my State. In fact, the views are contrary to such a conjecture, even in the case of wind power. Numerous polls throughout the last decade have consistently shown that Vermonters support wind energy. In fact, a survey in March 2004 found 74 percent of respondents said they would consider wind turbines along a Vermont mountain ridge either beautiful or acceptable. The same survey found 83 percent of Vermonters choose renewable energy from wind, solar, hydro and wood as preferable to other energy sources.

Lawrence Mott, Chair of Renewable Energy Vermont, which commissioned the energy poll said, "It's clear, Vermonters want more renewable energy, including wind turbines, and that they find installation on ridgelines very acceptable."

Vermont's history with wind power goes back to the turn of the century when farmers used windmills to pump

## AMENDMENT NO. 799

drinking water from their wells. One of the first great experiments in converting wind to energy was conducted atop a peak in Vermont called Grandpa's Knob in Castleton, Vermont. It was, at the time, the world's largest wind turbine and produced 1.25 MW with the first synchronous electric generator. I recall visiting this wind turbine with my grandfather, an architect, and we marveled at its beauty and ingenuity. It was the first time energy from a wind turbine was interconnected to the utility grid.

Vermont's interest in wind power has continued to grow since then. Just look at Green Mountain Power's wind farm in Searsburg, Vermont. Eleven wind turbines generate enough electricity to power more than 2,000 homes, reducing toxic air emissions by 22 million pounds compared to the impacts if that amount of electricity had been produced through combustion of fossil fuels.

Vermont has a tremendous capacity for wind power, as several of my colleagues have demonstrated with wind maps produced from the U.S. Department of Energy. Industry representatives in Vermont envision a handful of wind farms scattered about Vermont producing enough electricity to power about 50,000 homes, which would account for about 10 percent of the State's electricity needs.

Last week, Vermont Governor Jim Douglas signed a new renewable energy bill into law. He did so at the manufacturing plant of Northern Power Systems, a world leader in off-grid power systems. Northern Power is about to ship seven 100-kilowatt wind turbines to three communities in remote western Alaska, and the Governor used a 31-foot-long blade from one of these turbines as his writing table.

Clearly, Vermont's Governor and Vermont's legislators see the value of renewable energy. A large majority of Vermonters support wind energy and renewable energy. And I am very optimistic about the role wind energy can play in satisfying a growing proportion of this Nation's energy needs.

Last week the Senate defeated an important amendment that would have helped set this nation on a course to significantly reduce our reliance on foreign oil. It is unfortunate that a majority of my colleagues did not see fit to put the U.S. on the right course—to break our addiction to foreign oil.

H.R. 6 requires a 1 million barrel a day oil saving goal. Unfortunately, this goal would actually result in more oil being imported, not less. In fact, the U.S. will still be importing 14.4 million barrels a day under the underlying bill's goal. Slowing down the increased rate of consumption alone is not enough. We should be setting an ambitious goal that actually reduces imported oil, not a goal that will result in more oil being imported.

Instead, the Senate refused to set a national goal to reduce the Nation's addiction to foreign oil. The Cantwell

amendment would have established that goal—to reduce U.S. dependence on foreign oil by 40 percent by 2025. By turning our backs on this goal, we are sending the wrong message. Reducing our addiction to foreign oil is essential to the economic security of our Nation. We cannot continue to rely on unstable foreign countries for the energy that runs the economic machine of this Nation.

Fluctuating energy prices and instability in the Middle East once again are prompting calls for energy independence for the U.S.

Federal efforts to ensure freedom from fluctuations in energy prices have been advocated by every President, both Republican and Democrat, since 1973 and the infamous oil boycott. As Americans we count on energy to protect our security, to fuel our cars, to provide heat, air conditioning and light for our homes, to manufacture goods, and to transport supplies. In all of these needs, we, as consumers, pay the price for fluctuations in the global energy market.

Reducing our reliance on foreign oil is essential and the most basic step we need to take to address this crisis. The Cantwell amendment would have resulted in about 7.6 million barrels per day less oil being imported in 2025. Those savings are equivalent to the amount of oil the U.S. currently imports from Saudi Arabia. We can and should stop the oil cartels from controlling the future of this Nation.

In addition, I believe setting an oil saving goal could have beneficial effects on our air quality. Since a vast majority of current oil consumption is from the transportation sector, I believe setting an oil saving goal would encourage auto manufacturers to voluntarily improve efficiency of cars and trucks. As our population continues to grow and more people are driving more miles, it is essential to our air quality to continue to improve fuel efficiency of the vehicles we drive.

As it stands now, this bill does not require auto manufacturers or others in the transportation sector—the plane, train and truck sector—to meet corporate average fuel economy standards. I believe increased fuel economy standards can and should also be included in this bill. But short of adding new standards, setting this goal would have been a significant step in that direction.

By failing to set an oil saving goal, I think we have failed to state one of the most basic goals of this bill—a real reduction the amount of foreign imported oil.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. VOINOVICH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. CARPER, and Mrs. FEINSTEIN, proposes an amendment numbered 799.

Mr. VOINOVICH. I ask unanimous consent the reading of the amendment be dispensed with.

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

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

Mr. VOINOVICH. Mr. President, I offer this amendment today as chairman of the Environment and Public Works Subcommittee on Clean Air, Climate Change, and Nuclear Safety. This amendment is a bipartisan piece of legislation that was introduced last Thursday. It is called the Diesel Emissions Reduction Act of 2005, or S. 1265.

This bill is cosponsored by Environment and Public Works Committee Chairman JIM INHOFE and Ranking Member JIM JEFFORDS and Senators TOM CARPER, JOHNNY ISAKSON, HILLARY CLINTON, KAY BAILEY HUTCHISON, and DIANNE FEINSTEIN. Focused on improving air quality and protecting public health, it would establish voluntary National and State-level grant and loan programs to promote the reduction of diesel emissions. Additionally, the bill would help areas come into attainment for the new air quality standards.

Developed with environmental, industry, and public officials, the legislation complements Environmental Protection Agency, EPA, regulations now being implemented that address diesel fuel and new diesel engines. I am pleased to be joined by a strong and diverse group of organizations and officials: Environmental Defense, Clean Air Task Force, Union of Concerned Scientists, Ohio Environmental Council, Caterpillar Inc., Cummins Inc., Diesel Technology Forum, Emissions Control Technology Association, Associated General Contractors of America, State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials, Ohio Environmental Protection Agency, Regional Air Pollution Control Agency in Dayton, OH., and the Mid-Ohio Regional Planning Commission.

The cosponsors and these groups do not agree on many issues, which is why this amendment is so special. I ask unanimous consent that letters of support from these organizations be printed in the RECORD.

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

CATERPILLAR INC.,  
Mossville, IL, June 16, 2005.

Hon. GEORGE VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH: Caterpillar is in full support of the Diesel Emissions Reduction Act of 2005. Thank you for assembling a broad coalition of stakeholders in this bipartisan effort to modernize and retrofit millions of diesel engines across the country. It is impressive to see such a strong coalition of environmental groups, regulators and industry representatives working hard to advance retrofit as a national energy and environmental policy issue.

As a company, Caterpillar has invested more than \$1 billion in new clean diesel engine technology. No power source can match the reliability, efficiency, durability and cost effectiveness of the diesel engine. From the late 1980s to 2007, Caterpillar will have reduced diesel emissions in on-road trucks and school buses by 98 percent. When meeting Environmental Protection Agency Tier 4 regulations, Caterpillar will reduce emissions for off-road machines an additional 90 percent by 2014. This ensures that clean diesel engines will continue to be the workhorses of our economy for years to come.

Our customers who operate fleets of buses, trucks, construction machines and the equipment that safeguards our homes and lives in non-attainment areas are very interested in retrofit technology. However, they need a nationally consistent approach to address these challenges. Your bill, which focuses on grants and loans, wisely lets the market determine the right technologies for various product applications. Retrofitted engines last longer and, most importantly, have fewer emissions.

Thank you again for your commitment to this legislation. You can count on Caterpillar's support as the bill moves forward in Congress.

Sincerely,

JAMES J. PARKER,  
Vice President.

ENVIRONMENTAL DEFENSE,  
New York, NY, June 17, 2005.

Re Introduction of the Diesel Emission Reduction Act of 2005.

Hon. GEORGE V. VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH, I am writing to express Environmental Defense's support for the Diesel Emission Reduction Act of 2005 which you are introducing today.

As you are aware the U.S. Environmental Protection Agency's regulations establishing new standards for diesel buses and freight trucks and new nonroad diesel equipment will slash diesel emissions by more than 80% from 2000 levels, ultimately saving 20,000 lives a year in 2030. But because these federal standards apply only to new diesel engines and because diesel engines are so durable, the high levels of pollution from existing diesel sources will persist throughout the long lives of the engines in service today.

Your legislation establishing a national program to cut pollution from today's diesel engines would speed the transition to cleaner diesel engines and achieve healthier air well in advance of that schedule. The program design principles embodied in your bill help ensure that the funds for diesel emission reduction projects will be spent in an equitable and efficient manner.

Environmental Defense has long been a proponent of smart policy design. We have promoted market-based and cost-effective programs such as cap-and-trade as a solution to a variety of environmental issues dating back to the 1990 Clean Air Act Amendment.

Environmental Defense commends you on your leadership in cleaning up the existing diesel fleet. We look forward to working with you and your staff to ensure the passage and funding of the Diesel Emission Reduction Act.

Sincerely,

FRED KRUPP,  
President.

THE ASSOCIATED GENERAL  
CONTRACTORS OF AMERICA,  
Alexandria, VA, June 15, 2005.

Hon. GEORGE V. VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH: The Associated General Contractors of America (AGC) thanks you for taking the lead in introducing The Diesel Emissions Reduction Act (DERA) to provide assistance for owners to retrofit their diesel powered equipment. The legislation would establish grant and loan programs to achieve significant reduction in diesel emissions. This initiative could prove to be extremely beneficial to local areas attempting to come into compliance with the Clean Air Act.

The construction industry welcomes this legislation because it will provide the needed assistance to help contractors retrofit their off road equipment. Contractors use diesel powered off road equipment to build projects that enhance our environment and quality of life by improving transportation system, water quality, offices, homes, navigation and other vital infrastructure. This equipment tends to have a long life, and therefore is in use for many years before it is replaced.

Reducing the emissions from the engines that power this equipment is a costly undertaking and is particularly burdensome for small businesses. Providing grants to aid contractors with the expense of retrofitting is a highly cost effective use of federal funds.

AGC applauds your efforts in taking an incentive approach to addressing environmental concerns. AGC urges that this legislation be enacted quickly so that environmental benefits can be achieved as soon as possible.

Sincerely,

STEPHEN E. SANDHERR,  
Chief Executive Officer.

CUMMINS INC.,  
Washington, DC, June 14, 2005.

Hon. GEORGE V. VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH: Cummins Inc. strongly supports the Diesel Emissions Reduction Act of 2005, which establishes a voluntary national retrofit program aimed at reducing emissions from existing diesel engines, and congratulates you on your efforts to bring the diesel industry and environmental groups together on this effort.

The Diesel Emissions Reduction Act of 2005 recognizes the clean air challenges ahead of us and puts in place a system to help address them. In the near future, states must develop plans to address particulate matter and ozone emission reductions to meet the new air quality standards. A federally sponsored voluntary diesel retrofit initiative is a great tool to help states and communities meet these new air quality standards. Your legislation recognizes that one size does not fit all, and there are a number of technologies, which can be implemented to modernize diesel fleets. The term retrofit not only describes an after treatment exhaust device used to reduce key vehicle emissions but also refers to engine repair/rebuild, refuel, repower, and replacement.

The Diesel Emissions Reduction Act of 2005 represents a sound use of tax payer dollars.

Diesel retrofits have proven to be one of the most cost-effective emissions reductions strategies. Furthermore, another advantage to retrofits is that reductions can be realized immediately after installation and can be particularly important in metropolitan areas where high volumes of heavy-duty trucks are prevalent and/or where major construction projects are underway for long periods of time.

Finally, I, again, wanted to congratulate you on your efforts to bring our industry together with the environmental community on this legislation. This legislation is truly a model on how to find solutions to environmental problems. It is our hope that the process, which you put together to craft this legislation, can be used to further address the older fleets as well as advance efforts, which recognize the energy efficiency and environmental benefits of clean diesel technologies.

Again, Cummins thanks you for your vision on these issues and looks forward to working with you to pass this legislation.

Very truly yours,

MIKE CROSS,  
Vice President,  
Cummins Inc. and  
General Manager,  
Fleetguard Emission  
Solutions.

DIESEL TECHNOLOGY FORUM,  
Frederick, MD, June 9, 2005.

Hon. GEORGE VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH: We would like to recognize and thank you for your leadership in developing the Diesel Emissions Reduction Act of 2005. We are especially encouraged by the broad coalition of industry and environmental groups from whom you have successfully sought not just cooperation, but real collaboration in development and support of this important legislation.

As you know, the recent advancements in new clean diesel technology have been substantial. New emissions control devices such as particulate filters oxidation catalysts, and other technologies will play an important role in the clean diesel system of the future, allowing new commercial truck engines to be over 90 percent lower in emissions than those built just a dozen years ago. And, as we have learned over the last 5 years, these technologies can also be applied to some existing vehicles and equipment. Your legislation will play an important role in helping to deploy more clean diesel retrofit technologies to thousands of small businesses and equipment owners who might otherwise not be able to afford the upgrading of their equipment.

Because of its unique combination of energy efficiency, durability and reliability, diesel technology plays a critical role in many industrial and transportation sectors, powering two-thirds of all construction and farm equipment and over 90 percent of highway trucks. Diesel technology has played and will continue to play a vital role in key sectors of our economy. Thanks to your legislation, diesel technology will continue to serve these sectors and help assure this country's continued clean air progress.

We look forward to continuing to promote a greater awareness of the benefits of clean diesel retrofits and your legislation.

Sincerely yours,

ALLEN R. SCHAEFFER,  
Executive Director.

STATE OF OHIO  
ENVIRONMENTAL PROTECTION AGENCY,  
*Columbus, OH, June 15, 2005.*  
Hon. GEORGE V. VOINOVICH,  
*Hart Senate Office Building,  
Washington, DC.*

DEAR SENATOR VOINOVICH: It has been a great pleasure to meet you and discuss air quality issues with you over these last few months. Ohio's air quality has improved dramatically over the last 30 years. However, as you are well aware, Ohio faces a significant challenge in achieving compliance with the new federal air quality standards for ozone and fine particle matter. We have 33 counties that don't meet the more stringent ozone standard, and all or part of 32 counties that don't meet the more stringent particulate standard.

Diesel emissions are part of the problem in both of those scenarios. That is why I am so encouraged by your efforts to develop bipartisan legislation to provide federal financial assistance for a voluntary diesel retrofit initiative. In many cases, lack of funding is the only thing keeping people from using the cleaner technology that is available.

As Ohio develops its clean air plans for ozone and particulate matter, we need to consider every tool available to us. A funding program to help reduce pollution from diesel engines is a valuable tool.

I look forward to the successful passage of your bill and the clean air benefits it brings to Ohio and the nation.

Sincerely,

JOSEPH P. KONCELIK,  
*Director.*

—  
OHIO ENVIRONMENTAL COUNCIL,  
*Columbus, OH, June 13, 2005.*  
Subject: Diesel Emissions Reduction Act of 2005.

Hon. GEORGE VOINOVICH,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR VOINOVICH: The Ohio Environmental Council offers its hearty support for the Diesel Emissions Reduction Act of 2005. This landmark legislation will help clean up one of Ohio's and the nation's largest sources of dangerous air pollution; diesel engines.

From our initial meeting with you in April of 2004 to discuss the impacts of diesel pollution, we have been impressed by your leadership in addressing this significant contributor to Ohio's, and the nation's, air quality problems. As you know, approximately one-third of Ohio counties are failing federal air quality standards for ground-level ozone and fine particulate matter. Much of the nation faces a similar burden with an estimated 65 million people living in areas exceeding the fine particulate standard and 111 million people living in areas exceeding the 8-hour ozone standard.

Diesel engines contribute significantly to this problem with on-road and off-road diesel engines accounting for roughly one-half of the ozone contributing nitrogen oxide and fine particulate mobile source emissions nationwide. According to EPA, diesel exhaust also contains over 40 chemicals listed as hazardous air pollutants (HAPs), some of which are known or probable human carcinogens including benzene and formaldehyde. Numerous studies have suggested that diesel pollutants contribute to health effects such as asthma attacks, reduced lung function, heart and lung disease, cancer and even premature death.

Fortunately, unlike many complex environmental problems that have very complicated solutions, the clean-up of diesel air

pollution is easy. Technologies are available today to retrofit existing diesel engines, reducing emissions from the tailpipe by 20-90%—reductions realized immediately after installation. In fact, due to EPA's Diesel Rules, starting in 2007 we will see the cleanest diesel engines ever coming off production lines. Unfortunately, those rules do not address the 11 million diesel engines in use today. In order to meet EPA's goal to modernize 100% of these existing engines by 2014, states and fleets will need assistance.

That is why the Diesel Emissions Reduction Act of 2005 is so imperative. It will establish an unprecedented \$200 million annual national grant and loan program to assist states, organizations and fleets in reducing emissions from diesel engines. These efforts will serve to help counties in complying with federal air standards as well as minimize the health toll of diesel emissions on the public.

I am proud to offer the Ohio Environmental Council's support to you, Senator Voinovich, with the introduction of the Diesel Emissions Reduction Act of 2005.

Sincerely,

VICKI L. DEISNER,  
*Executive Director.*

—  
MID-OHIO REGIONAL PLANNING  
COMMISSION,  
*Columbus, OH, June 14, 2005*  
Hon. GEORGE V. VOINOVICH,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR VOINOVICH: Our membership, comprised of 41 local governments in central Ohio, has identified our ozone and PM2.5 nonattainment status as one of the most daunting challenges facing our region. Numerous health studies demonstrate the negative health impacts of polluted air, especially for asthmatic children and older adults with heart disease. In addition to these, health impacts, failure to clean up our air could inhibit business expansion and investment in transportation.

Freight transportation is one of the primary growth sectors for central Ohio. Yet, we do not want growth at the expense of a diminished quality of life for our residents. Therefore, it is important that we do whatever we can to encourage public and private on and off-road fleets to improve emissions from existing diesel engines that will continue to operate for many years.

MORPC's Air Quality Committee is working diligently with a broad coalition of local governments, manufacturers, industry, health organizations, and environmental groups to identify and implement cost effective ways to reduce nitrogen oxide (NOx) and particulate matter (PM) emissions that contribute to ozone and particle pollution in central Ohio. We strongly support the introduction of the Diesel Emissions Reduction Act of 2005 to provide federal funds to spur local investment in voluntary diesel emission reduction programs. This will be an invaluable tool to help us meet the Environmental Protection Agency's (EPA) ambient air quality standards.

We look forward to working with you to continue to develop support for the Diesel Emissions Reduction Act of 2005. Please let me know if we can be of any assistance.

Sincerely,

WILLIAM C. HABIG,  
*Executive Director.*

CLEAN AIR TASK FORCE,  
*Boston, MA, June 16, 2005.*  
Re Letter of support for the Diesel Emissions Reduction Act of 2005.  
Hon. GEORGE V. VOINOVICH,  
*Hart Senate Office Building,  
Washington, DC.*

DEAR SENATOR VOINOVICH: The Clean Air Task Force is proud to be one of the core members of a group of industry, environmental and government representatives that worked together on a collaborative effort to find ways of reducing harmful emissions of air pollution from existing diesel engines. We strongly support legislation that grew out of that effort, the Diesel Emissions Reductions Act of 2005. We thank you and your staff for your leadership on this important issue.

Heavy-duty diesel engines powering vehicles and equipment such as long-haul trucks, buses, construction equipment, logging and agricultural equipment, locomotives and marine vessels produce a wide variety of dangerous air pollutants, including particulate matter, nitrogen oxides and air toxics. These pollutants, emitted at ground level often in populated areas, produce substantial harm to human health and the environment, up to and including premature death.

Recently, EPA has determined that 65 million people live in areas where the air contains unhealthy levels of fine particulate matter (PM<sub>2.5</sub>), areas that EPA has thus classified as nonattainment for the PM<sub>2.5</sub> NAAQS. In order for those areas to meet the attainment requirements in the Clean Air Act, substantial reductions of PM<sub>2.5</sub> emissions will be required. The largest local source of potential PM<sub>2.5</sub> reductions in most urban areas is the existing fleet of heavy-duty diesel engines. Although EPA has promulgated regulations to substantially reduce emissions from heavy duty highway and nonroad diesels, many of these engines are long-lived and the air quality benefits of EPA's new engine rules won't be fully realized for more than two decades—a full generation away and long past applicable NAAQS attainment deadlines.

Fortunately, efficient and cost-effective means of substantially reducing diesel emissions are readily available today. For example, diesel particulate filters can reduce diesel PM<sub>2.5</sub> emissions by about 90% from many heavy-duty diesel engines. Widespread use of such controls could dramatically reduce harmful diesel emissions in our cities and states, would save thousands of lives, produce billions of dollars of societal benefits, and help states meet their attainment obligations under the Clean Air Act.

One of the primary barriers to the widespread installation of diesel emission control technology is a lack of resources. Many heavy-duty diesel fleets, such as buses, refuse trucks, highway maintenance equipment, trains and ferries are owned or operated by public agencies with limited resources.

The Diesel Emissions Reduction Act of 2005 will provide \$200 per year for the next 5 years to help fund reductions of air pollution from in-use diesel engines, including those operated by cash-strapped public agencies. This will produce human health and environmental benefits far in excess of the costs, and will provide timely assistance to many areas to help them achieve EPA's health based air quality standards for particulate matter and ozone.

CATF urges your support of the Diesel Emissions Reductions Act of 2005.

Very truly yours,  
CONRAD G. SCHNEIDER,  
*Advocacy Director.*

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS/  
ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,

Washington, DC, June 14, 2005.

Hon. GEORGE V. VOINOVICH.

Chairman, U.S. Senate, Committee on Environment and Public Works, Subcommittee on Clean Air, Climate Change and Nuclear Safety, Washington, DC.

DEAR CHAIRMAN VOINOVICH: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO)—the national associations of state and local air pollution control agencies in 53 states and territories and more than 165 metropolitan areas across the country—I am pleased to offer support for the Diesel Emissions Reduction Act of 2005 and to commend your leadership in introducing this legislation and in working with a broad coalition of diverse stakeholders to draft it.

Emissions from dirty diesel engines pose serious threats to public health and the environment. These emissions are not only substantial contributors to unhealthy levels of ozone and fine particulate matter (PM<sub>2.5</sub>), they cause or exacerbate unacceptably high levels of toxic air pollution in most areas of the country. Although our nation has taken significant action to reduce emissions from new highway and nonroad diesel engines, and additional federal measures are planned to address new diesel marine and locomotive engines, several critical opportunities remain for achieving further reductions in diesel emissions. Chief among them is cleaning up existing diesel engines by retrofitting these engines with new emission control technologies. By authorizing funds for grants and loans to states and other organizations for the purpose of reducing emissions from diesel engines, the Diesel Emissions Reduction Act of 2005 will help states and localities achieve their air quality goals, including attaining and maintaining health-based National Ambient Air Quality Standards for ozone and PM<sub>2.5</sub> and reducing exposure to toxic air pollution.

STAPPA and ALAPCO are pleased to support this bill and look forward to working with you and other stakeholders as it proceeds through the legislative process.

Sincerely,

S. WILLIAM BECKER,  
Executive Director.

UNION OF CONCERNED SCIENTISTS,  
Washington, DC, June 10, 2005.

The Union of Concerned Scientists, and our 140,000 members and activists nationwide, strongly support the Diesel Emissions Reduction Act of 2005. This landmark legislation will improve air quality across the country by providing \$200 million in grants and loans to reduce pollution from diesel vehicles and equipment.

The exhaust from conventional diesel-powered engines may cause or exacerbate serious health problems such as asthma, bronchitis and cancer, and can even lead to premature death. In addition to its public health toll, diesel exhaust exacts enormous social costs, with escalating health care expenditures, loss of work and school days, and the most costly impact of all—the loss of human lives.

Although standards for new diesel engines offer important health benefits, they do not address the biggest polluters: existing diesel engines. The bulk of diesel pollution now and for the next decade or more come from engines already in use. Fortunately, there are a wide range of readily available cleanup technologies and strategies, including replacing high-polluting engines and retrofitting with emissions controls. The Diesel Emissions Reduction Act will help get diesel

cleanup technologies off the shelf and onto today's vehicles and equipment.

USC is pleased to be part of a diverse coalition of groups—including environmental and health groups, the diesel industry, and public agencies—that is working collaboratively on reducing diesel pollution. This unique mix of voices all agree that reducing pollution from diesel engines is a public health priority, and that federal and state funding is a key strategy to clean up diesel engines.

The Diesel Emissions Reduction Act will accelerate the public health benefits of the new engine emissions standards, and will help Americans breathe easier.

Sincerely,

PATRICIA MONAHAN,  
Senior Analyst, Transportation Program.

REGIONAL AIR POLLUTION CONTROL AGENCY,  
Dayton, OH, June 15, 2005.

Hon. GEORGE V. VOINOVICH.

Chairman, U.S. Senate, Committee on Environment and Public Works, Subcommittee on Clean Air, Climate Change and Nuclear Safety, Washington, DC.

DEAR SENATOR VOINOVICH: The Regional Air Pollution Control Agency (RAPCA) would like to express our support for the Diesel Emissions Reduction Act of 2005. RAPCA is a six county local air pollution control agency charged with protecting the residents of the Dayton/Springfield area from the adverse health impacts of air pollution. We would like to thank you and your staff for offering this vital piece of legislation which will greatly help the citizens of our area breathe healthier air.

Diesel emission reductions offer a significant opportunity in the effort to clean the nation's air. Diesel emissions represent approximately one-half of the nitrogen oxide and particulate matter emissions from the mobile source sector and numerous air toxics.

Like many areas across the country, the Dayton/Springfield area is nonattainment for both ozone and fine particulate matter. RAPCA strongly believes that this bill provides a unique opportunity to help the area attain these standards, especially fine particulates, as well as reducing the health risks associated with air toxics. Furthermore, many of the diesel vehicles that would be affected by this bill operate in the urban core, thus providing health benefits to many individuals.

Again we would like to express our sincere thanks to you for offering the Diesel Emissions Reduction Act of 2005, which will help millions of Americans breathe easier.

Sincerely,

JOHN A. PAUL,  
Supervisor.

EMISSION CONTROL TECHNOLOGY ASSOCIATION,  
Washington, DC, June 14, 2005.

HON. GEORGE VOINOVICH,

U.S. Senate,

Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Emission Control Technology Association (ECTA), I would like to thank you for introducing the Diesel Retrofit Reduction Act of 2005, and advise you of our wholehearted support for this legislation. If enacted, this legislation will help states to reduce diesel engine emissions, thereby, strengthening the economy, public health, and the environment.

On-road heavy duty diesel vehicles and non-road diesel vehicles and engines account for roughly one-half of the nitrogen oxide (NO<sub>x</sub>) and particulate matter (PM) mobile source emissions nationwide. These emis-

sions contribute to ozone formation, fine particulate matter, and regional haze. With more than 167 million Americans living in counties that do not achieve the National Ambient Air Quality Standard (NAAQS) established by the Environmental Protection Agency, it is more important than ever that states and other organizations are given the means to address this growing problem. Clean diesel retrofits are a highly cost effective means of reducing these emissions, costing approximately \$5,000 per ton equivalent of air pollution removed. The Diesel Retrofit Reduction Act of 2005 will ease the growing burden states are feeling as they strive to reach attainment of these national standards, by providing them with grants and loans for the purpose of reducing emissions from diesel engines.

There are several programs that demonstrate the achievements made by clean diesel retrofits. A prime example is the Metropolitan Transportation Commission (MTC) Retrofit Program in San Francisco, California. As part of the MTC program, more than 1,700 emission control systems were installed on diesel buses. It is estimated that 2,500 pounds of NO<sub>x</sub> and 300 pounds per day of particulates will be eliminated as a result of the MTC transit bus retrofit program. We are certain that the Diesel Retrofit Reduction Act of 2005 will accomplish similar feats upon its passage.

ECTA thanks you for authoring this important legislation and for your leadership on this issue. We look forward to working with you and your staff to ensure its passage.

Sincerely,

TIMOTHY REGAN,  
President.

Mr. VOINOVICH. The process for developing this legislation began last year when several of these organizations came in to meet with me. They informed me of the harmful public health impact of diesel emissions. On-road and non-road diesel vehicles and engines account for roughly one-half of the nitrogen oxide and particulate matter mobile source emissions nationwide.

I was pleased to hear that the administration had taken strong action with new diesel fuel and engine regulations, which were developed in a collaborative effort to substantially reduce diesel emissions. However, I was told that the full health benefit would not be realized until 2030 because these regulations address new engines and the estimated 11 million existing engines have a long life. Diesel engines have a very long life.

I was pleased that they had a constructive suggestion on how we could address this problem. They informed me of successful grant and loan programs at the State and local level throughout the Nation that are working on a voluntary basis to retrofit diesel engines.

I was also cognizant that the new ozone and particulate matter air quality standards were going into effect and that a voluntary program was needed to help the Nation's 495 and Ohio's 38 nonattainment counties—especially those that are in moderate nonattainment like Northeast Ohio.

Additionally, I have visited with University of Cincinnati Medical Center

doctors—as recently as earlier this month—to discuss their Cincinnati Childhood Allergy and Air Pollution Study. Some of the early results indicate disturbing impacts on the development of children living near highways because of emissions from diesel engines.

It became clear to me that a national program was needed. We then formed a strong, diverse coalition comprised of environmental, industry, and public officials. The culmination of this work was released last Thursday with the introduction of the Diesel Emissions Reduction Act of 2005.

The amendment that I am offering today is the same as this bill. It would establish voluntary national and State-level grant and loan programs to promote the reduction of diesel emissions. The amendment would authorize \$1 billion over 5 years—\$200 million annually. Some will claim that this is too much money and others will claim it is not enough—so probably it is the right number.

We should first recognize that the need far outpaces what is contained in the legislation. This funding is also fiscally responsible as diesel retrofits have proven to be one of the most cost-effective emissions reduction strategies. For example, let's compare the cost effectiveness of diesel retrofits versus current Congestion Mitigation and Air Quality program projects.

We are talking about the per ton of Nitrogen Oxides reduced, cost on average. We are talking about 1 ton of nitrogen oxides and how much it costs to reduce them: \$126,400 for alternative fuel buses; \$66,700 for signal optimization; \$19,500 for bike racks on buses; and \$10,500 for vanpool programs.

This is compared to \$5,390 to repower construction equipment and \$5,000 to retrofit a transit bus.

The bottom line is that if we want to clean up our air to improve the environment and protect public health, diesel retrofits are one of the best uses of taxpayers' money.

Furthermore, as a former Governor, I know firsthand that the new air quality standards are an unfunded mandate on our States and localities—and they need the Federal Government's help. We are going to find that out. Many Americans are not aware, because of the ozone and particulate standards that many communities are going to have a difficult time complying with these new ambient air standards.

This legislation would help bring counties into attainment by encouraging the retrofitting or replacement of diesel engines, substantially reducing diesel emissions and the formation of ozone and particulate matter.

The amendment is efficient with the Federal Government's dollars in several ways. First, 70 percent of the program would be administered by the EPA. The remaining 20 percent of the funding would be distributed to States that establish voluntary diesel retrofit programs. Ten percent of the amend-

ment's overall funding would be set aside as an incentive for state's to match the Federal dollars being provided.

The hope is this amendment leverages additional public and private funding with the creation of State level programs throughout this country. The amendment would expand on very successful programs that now exist in Texas and California.

Second, the program would focus on nonattainment areas where help is needed the most.

Third, it would require at least 50 percent of the Federal program to be used on public fleets since we are talking about using public dollars.

Fourth, it would place a high priority on the projects that are the most cost effective and affect the most people.

Lastly, the amendment includes provisions to help develop new technologies, encourage more action through nonfinancial incentives, and require EPA to reach out to stakeholders and report on the success of the program.

EPA estimates this billion-dollar program would leverage an additional \$500 million, leading to a net benefit of almost \$20 billion with the reduction of 70,000 tons of particulate matter. This is a quite substantial 13-1 cost-benefit ratio.

The Diesel Emissions Reduction Act of 2005 enjoys broad bipartisan support and is needed desperately. I urge my colleagues to vote for this amendment.

I ask for the yeas and nays, and I ask unanimous consent 10 minutes be set aside prior to the vote on the amendment for sponsors to speak on its behalf.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

Mr. BINGAMAN. Mr. President, could I ask the Senator from Ohio a question about his amendment?

The ACTING PRESIDENT pro tempore. The Senator may.

Mr. BINGAMAN. Mr. President, if we could get copies of the amendment, Senator DOMENICI would be anxious to review it. I would, as well. It sounds very meritorious as described, but before actually agreeing to a unanimous consent as to the timing of the vote and the amount of time needed in anticipation of a vote, it would be better to get a copy at this point, if we could. That is just a suggestion.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. VOINOVICH. I withdraw the request for the 10 minutes until the ranking member has an opportunity to review the amendment, and we can discuss at that time how much time the Senator is willing to give.

Mr. BINGAMAN. That will be very good. I appreciate that opportunity. We will be back in touch with the Senator.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I will ask the Senator from Ohio a question. I walked in about two-thirds of the way through his remarks.

Do I understand that this is legislation that helps reduce sulfur in the air by retrofitting diesel engines so they comply with the new EPA requirements for low sulfur?

Mr. VOINOVICH. Right. This is one of the most effective ways, actually, to reduce nitrogen oxide and also particulate matter. In my remarks I mentioned the study at the University of Cincinnati on children. The negative impact is amazing on children who live very close to freeways with this diesel fuel. Retrofitting would be the most cost-efficient way of dealing with that problem.

This program fundamentally is a voluntary program. It is a program in which we encourage all of the States to participate. If they did, each State would get 2 percent of the money. If they didn't, those States that participated would benefit from this on a per capita basis, 30 percent of the program allocated to them and 70 percent of it would be distributed by the Environmental Protection Agency based on submissions submitted and also on the basis of giving priority to public requests for this money.

Mr. ALEXANDER. Mr. President, I commend the Senator from Ohio. He has spent a long time in this session working on clean air legislation.

As one Senator, I am extremely interested in that for our country. The Great Smoky Mountains—2 miles from where I live, and on the other side is the Senator from North Carolina, the Presiding Officer—is the most polluted National Park in America.

Many of our counties are not in attainment. Our biggest problem is sulfur. But NO<sub>x</sub> is also a major problem. Of course, a major contributor is the big diesel trucks on the road.

One of the President's greatest accomplishments in terms of sulfur is tighter restrictions on the fuel that will be used in these trucks. They also are major contributors to NO<sub>x</sub>, nitrogen oxide. My understanding from my visits and discussions with people who know about the big trucks is that the retrofitting of these older engines is not as good as a new engine, but it is a very substantial—70 or 80 percent as good as having a new engine.

I look forward to reading the legislation. The Clean Energy Act that we are working on is not the Clean Air Act that the Senator spent so much time on, but clean energy is the solution to the clean air problem. I am glad the Senator is bringing this to our attention. I look forward to reading it. It looks like a welcome contribution.

Mr. VOINOVICH. I thank the Senator from Tennessee. The administration should be complimented. The new diesel regulations will go into effect next year. The fact is, 11 million on- and off-road vehicles will still be on the road for many years to come. As the Senator pointed out regarding retrofitting,

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we had a bus retrofit. We are talking about 85 percent reduction. The diesel fuel is fine, but if you do not have the retrofit, it will not give you the desired emissions control.

AMENDMENT NO. 800

(Purpose: To amend the Internal Revenue Code of 1936 to provide energy tax incentives, and for other purposes)

Mr. DOMENICI. On behalf of the leader, we have cleared the amendment at the desk. I ask unanimous consent that the pending amendment be set aside. I further ask that the Grassley-Baucus amendment No. 800 which is at the desk be considered and agreed to and the motion to reconsider be laid on the table.

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

The amendment (No. 800) was agreed to.

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

Mr. BAUCUS. Mr. President, I strongly support the Finance Committee's energy tax language.

Why are the incentives proposed in this language so important? First and foremost, they are important because of the energy challenges facing the Nation.

Energy is critical to our Nation's economy and security. Our continuing dependence on foreign oil increasingly threatens our vital national interests.

As the world's demand for oil continues to grow at a record pace, the world's oil producers strain to meet consumption. Today, OPEC is pumping close to full capacity. Even so, refined products remain scarce.

The price of oil has soared to more than \$55 a barrel. The price of gas at the pump is a daily reminder of the scarcity of energy. Increasing energy prices stifle economic growth.

Folks in my home State of Montana are hit hard by rising energy prices. High gas prices particularly hurt folks who have to drive great distances. And high energy prices hurt small businesses, ranchers, and farmers by raising the costs of doing business.

We can do more to provide reliable energy from domestic sources. That is our first challenge.

Our next great energy challenge is to ensure safe, clean, and affordable energy from renewable resources. Energy produced from wind, water, sun, and waste holds great potential. But that energy cannot currently meet our national energy demands. Technology is helping to bridge the gap. But further development requires financial assistance.

The energy tax incentives take an evenhanded approach to an array of promising technologies. We do not yet know which new technologies will prove to be the most effective. As we go forward and provide the needed incentives to develop these new technologies, we also need appropriate cost-benefit assessments to guide future investments.

The energy tax language reflects the incentives endorsed by the Finance Committee last Thursday. These incentives make meaningful progress toward energy independence. They provide a balanced package of targeted incentives directed to renewable energy, traditional energy production, and energy efficiency.

These incentives would encourage new energy production, especially production from renewable sources.

They would encourage the development of new technology.

And they would encourage energy efficiency and conservation.

To encourage production, the tax language provides a uniform 10-year period for claiming production tax credits under section 45 of the Tax Code. This encourages production of electricity from all sources of renewable energy. It would not benefit one technology over another.

In Judith Gap, MT, wind whips across the wheat plains. Wind is a great and promising resource in Montana. But future development of wind projects needs support, like that provided in the tax language.

The tax language recognizes the value of coal and oil to our economy. It provides tax incentives for cleaner-burning coal and much-needed expansion of refinery capacity.

The lack of refinery capacity is driving up the price of oil. And our lack of domestic capacity increases our vulnerabilities. A new refinery has not been built in the U.S. since 1976. The tax language would encourage the development of additional refinery capacity domestically by allowing the development costs to be expensed.

The tax language also rewards energy conservation and efficiency, and encourages the use of clean-fuel vehicles and technologies. It provides an investment tax credit for recycling equipment. These incentives are environmentally responsible. They reduce pollution. And they improve people's health.

The energy tax provisions would make meaningful progress toward energy independence. They are balanced and fair. I encourage my colleagues to support this legislation.

I yield the floor.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF JOHN ROBERT BOLTON TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session for the consideration of Calendar No. 103, which the clerk will report.

The assistant legislative clerk read the nomination of John Robert Bolton, of Maryland, to be Representative of the United States of America to the United Nations.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 6 p.m. shall be equally divided between the two leaders or their designees.

The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, today the Senate again takes up the nomination of John Bolton to be U.S. Ambassador to the United Nations. This nomination has traveled a long road. I am hopeful that we can conclude the debate today.

I appreciate that several of my colleagues continue to be dissatisfied that their requests for information have not been granted in their entirety. Under the rules, clearly they can continue to block this nomination as long as 60 Senators do not vote for cloture. Although I acknowledge their deeply held opposition to this nominee, we urgently need an ambassador at the United Nations. A clear majority of Senators is in favor of confirming Secretary Bolton.

The President has stated repeatedly that this is not a casual appointment. He and Secretary Rice want a specific person to do a specific job. They have said that they want John Bolton, an avowed and knowledgeable reformer, to carry out their reform agenda at the United Nations.

Regardless of how each Senator plans to vote today, we should not lose sight of the larger national security issues concerning U.N. reform and international diplomacy that are central to this nomination. We should recall that U.N. reform is an imperative mission of the next ambassador. In fact, on Friday, our colleagues in the House of Representatives passed an extensive U.N. reform bill. This body is also working on various approaches to reform.

In 2005, we may have a unique opportunity to improve the operations of the U.N. The revelations of the oil-for-food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear proliferation, and many other international problems have created momentum in favor of constructive reforms at the U.N. Secretary General Kofi Annan has proposed a substantial