

amendment No. 3961 proposed to S. 2611, *supra*.

At the request of Mr. THUNE, his name was added as a cosponsor of amendment No. 3961 proposed to S. 2611, *supra*.

#### AMENDMENT NO. 3966

At the request of Mr. COBURN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3966 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

#### AMENDMENT NO. 3968

At the request of Mr. ALLARD, the names of the Senator from Montana (Mr. BURNS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 3968 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

#### AMENDMENT NO. 3981

At the request of Mr. BINGAMAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 3981 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

#### AMENDMENT NO. 3985

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 3985 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. ISAKSON, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BYRD, Mr. DEWINE, and Mr. SANTORUM):

S. 2803. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, as the chairman of the Senate Committee on Health, Education, Labor and Pensions I am pleased to announce today the introduction of comprehensive legislation designed to make our Nation's mines and miners safer—the Mine Improvement and New Emergency Response Act of 2006, the MINER Act. I am particularly pleased to note that the MINER Act is the product of a truly bipartisan effort that includes Senator KENNEDY, the committee's ranking member, Senators ISAKSON and MURRAY, the chair and ranking member of the Subcommittee on Employment and Workplace Safety, and Senators ROCKEFELLER and BYRD. They have all worked tirelessly to make this bill a reality, and I am grateful for their leadership on this issue and their co-sponsorship of the MINER Act.

Mining, and coal mining in particular, is vital to our national and

local economies, and to our national energy security. No aspect of mining is more important than protecting the health and safety of those whose hard work fuels the industry.

This year our Nation has experienced tragic losses in the coal mines of West Virginia. Following the accident at the Sago mine, Senators ISAKSON, KENNEDY, ROCKEFELLER, and I traveled to West Virginia to meet with the families of those miners whose lives were lost. We were all deeply moved by that experience, and committed to do our best to ensure that such tragedies will not be repeated. To further that commitment, we have sought the views of experts and stakeholders on a wide range of mine safety issues and have conducted hearings and roundtables on such issues as mine safety technology. In the MINER Act, we have done much to reach our common goal of safeguarding the lives of all those who work in our Nation's mines.

The legislation we introduce today addresses the issue of mine safety in a variety of ways. First, the MINER Act would require the development of mine-specific emergency response plans that incorporate safety and technology provisions designed to enhance miner safety. In the area of technology, in particular, the MINER Act recognizes that as safety technology evolves, so, too, must our approach. Thus, the plans that are initially developed must be periodically modified to reflect such changes.

Second, the MINER Act recognizes the critical role of mine rescue teams, and those who serve on them, in enhancing the safety of miners. The legislation directs the Secretary of Labor to issue regulations that will make new provisions for mine rescue teams, and it creates liability protection for those who serve on those teams and their employers.

Third, the MINER Act recognizes that in emergencies the ability to craft a prompt response is dependent upon prompt notification. Thus, the MINER Act provides that in the case of serious life-threatening accidents notification must be made to Federal Mine Safety officials within 15 minutes.

Fourth, the legislation recognizes that despite all efforts, accidents may occur in the future, and that in those instances MSHA should be prepared to provide assistance to and communicate with the families of those affected. Accordingly, the MINER Act requires MSHA to establish a policy to meet both of these objectives.

Fifth, the legislation recognizes the key role of technology in improving mine safety and the key role of the National Institute of Occupational Safety and Health in advancing such technological development. The MINER Act establishes an Office of Mine Safety within NIOSH, a NIOSH-administered grant and contract program designed to foster the development and manufacture of new mine safety equipment, and a NIOSH-chaired interagency

working group designed to facilitate the transfer of technology that may be adaptable to mine usage from such other Federal sources as the National Aeronautics and Space Administration, NASA, the Department of Defense. The bill also contains provisions to streamline the testing of new technologies.

Sixth, the MINER Act recognizes there are some areas regarding technology and engineering and mining practice about which uncertainty remains. The MINER Act recognizes that such issues are better addressed with the informed assistance of experts. Thus, the MINER Act creates a technical study panel to review the belt air issue and directs further NIOSH study and testing regarding refuge chambers. It also requires the Secretary to utilize the regulatory process to issue final regulations regarding the strength of seals used in abandoned mining sections. These directives do not prejudice the issues or dictate any result or action. They do, however, provide an important means of developing a body of expert opinion with regard to these issues.

Seventh, throughout the development of this legislation my long-held view that the vast majority of mine operators take their safety responsibilities with great seriousness has been reinforced. The conscientious efforts of mine operators throughout the country have been the principal reason behind our continual improvement in mine safety over the years. We must recognize this essential fact even as we must also recognize that there are a handful of operators who do not fall in this camp. In the instance of these "bad actors," the MINER Act provides tools MSHA can use to more readily deal with those who fail to pay civil penalties. The MINER Act codifies a tenfold increase in the available criminal penalties, and it creates an increased maximum for flagrant violators in line with the administration's proposal and creates minimum penalties for the most serious types of infractions.

Lastly, the legislation recognizes that training and education play a critical role in the effort to make mines and miners safer. Therefore, the legislation contains scholarship provisions to address the anticipated shortages of trained miners and MSHA personnel as well as fostering the skills of those who will work on the next generation of mine safety technology. It also contains provisions for the establishment of a program to provide a full range of mine safety training grants.

These steps, when taken together, will help make our nation's mines a safer workplace today and in years to come.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, it is my honor today to join with several of my distinguished colleagues to introduce S. 2803, the Mine Improvement and New Emergency Response,

MINER Act of 2006. This is the first time Congress has taken a critical look at mine safety since the 1970s. It will be the first significant update of statutory mine safety standards in a generation. The advances in this legislation represent long overdue health and safety improvements for our Nation's miners. The MINER Act will affect every mine and every miner in the country. When fully implemented by the Mine Safety and Health Administration, MSHA, and coal operators, the MINER Act will make the men and women who work in our Nation's coal mines safer than they have ever been.

Like many Americans, I was transfixed by the coverage of the tragic events at the Sago Mine in Upshur County, WV, this past January. My heart went out to the families of the miners as they waited and prayed for—and were cruelly denied—a happy ending. Except for the brief elation when we learned of Randal McCloy's miraculous survival, we were all heartbroken by the devastating outcome. Because these were miners and families in my State of West Virginia and because for years I lived and worked in nearby Buckhannon, the tragedy at Sago hit very close to home for me. For current and retired miners and their families across the country, the deaths of the Sago miners were very much the deaths of brothers.

When two more miners went missing after a fire in the Alma No. 1 mine near Melville, in Logan County, WV, I knew my place was there with the families. There was little that could be done to ease the anxiety of the miners' families while they waited and prayed together in the church in Melville, having themselves lived through the Sago tragedy. That day, I was standing with Governor Manchin at the mine mouth and we got the news that no one wanted to hear. We returned to the church to be with the families when they heard the words that crushed their hopes for another miracle. No parent or spouse should have to live through a moment like that ever again. It was clear that better mine safety regulation was essential.

One positive consequence of the broad news coverage of the Sago and Alma tragedies was that the world got a glimpse of West Virginia at its best: people who work hard, love their families, and trust in their God. My trip to Upshur County to meet with the families—and then the immensely sad and too-familiar repeat 2 weeks later to sit and to grieve with families of the Alma miners in Logan County—inspired what I hope will be a more lasting and tangible result. It became my mission to substantially improve and make more rigorous health and safety standards in American coal mines. I believe the MINER Act is legislation that will fulfill those goals and is the very least we can do as we recall the Sago and Alma miners, as well as those who lost their lives at the Longbranch No. 18, Black Castle, Candice No. 2, and Jacob

No. 1 mines in West Virginia and at other mines in Kentucky, Utah, Alabama, and Maryland just this year.

The MINER Act amends the Federal Mine Safety and Health Act of 1977 to do the following:

- Requires companies to submit to MSHA emergency preparedness and response plans, including requirements to deploy state-of-the-art technologies for two-way communications, miner tracking, improved breathing apparatuses, and lifelines. These improvements must be made immediately wherever feasible and no later than 3 years after enactment. Each miner must have enough breathable air accessible to last for a sustained period of time.

- Requires coal operators to supply miners with additional supplies of breathable air, both in working sections of coal mines and at intervals on escapeways so miners can walk out in the event of a disaster.

- Increases training on self-rescuers to make sure that technologies are properly deployed in the mine as soon as they become available.

- Requires operators to notify MSHA within 15 minutes of a disaster or face up to \$60,000 in penalties.

- Improves the overall safety of miners by strengthening mine rescue team requirements for all underground mines. Now at least one miner per shift will have to be sufficiently familiar with the mine's operations to serve as a coordinator in the event of an accident, more miners will be rescue-trained, and response time will be cut in half—down to 1 hour.

- Requires NIOSH to conduct research, including field testing, of refuge chambers and could result in the Secretary issuing a new regulation to require them.

- Creates an Office of Mine Safety in NIOSH to distribute mine safety research and development grants and to coordinate with other Government agencies on technology they use that might be adapted for mine safety purposes.

- Establishes a family liaison position for post-accident assistance to miners' families.

- Creates for the first time a schedule of higher minimum penalties for the most egregious health and safety violations—essentially doubling fines for serious violations.

- Tightens up MSHA fine collection procedures and gives MSHA new authority to shut down mines for failure to pay persistent violations.

- Requires the Secretary of Labor to improve standards for seals in abandoned areas of underground coal mines.

- Establishes a technical study panel made up of scientists and health and safety experts to review and report to the Secretaries of Labor and Health and Human Services on the use of "belt air" and the replacement of worn belts with fire-resistant materials.

- Creates three scholarship programs: for community college study in basic

safety and mine skills for new miners; for college-level study leading toward employment with MSHA; and college and graduate study in mining-related disciplines.

- Creates the Brookwood-Sago Mine Safety Grants Program in the Department of Labor to fund education and training programs designed to identify, avoid, and prevent unsafe working conditions in and around mines.

While television allowed the entire globe to look in on the 24-hour-a-day vigils at Sago and then Alma, I received a number of calls of support and condolences from around the country and around the world. Among the first were calls from Senate Health, Education, Labor, and Pensions, HELP, Committee chairman MIKE ENZI and his ranking Democrat member, TED KENNEDY. Chairman ENZI comes from a coal community in Wyoming and understands the bond between miners and their families. He also understands the hazards of mining coal, and he has been determined from the beginning to put out a good bill that can pass this Congress. I have known and admired MIKE ENZI since he was the mayor of Gillette, WY, and I, while Governor of West Virginia, was serving as chairman of President Carter's Coal Commission. He is a fine and honest man, and it has been a pleasure to work with him on this vitally important legislation.

As for Senator KENNEDY, with the exception of his home State of Massachusetts, there can be few places where his long career in the Senate has had more positive impacts than in my State of West Virginia. Both Senator KENNEDY and Senator ENZI expressed to me their heartfelt sorrow and their unshakable commitment to work with me on mine safety legislation in this Congress.

That commitment had its first demonstration when Chairman ENZI, Senator KENNEDY, and HELP Employment and Workplace Safety Subcommittee chairman JOHNNY ISAKSON joined me on a trip to Upshur County so they could sit with the families of the Sago miners, as well as with survivors of the accident and company officials. Few meetings that I have attended in my public career were as powerful as the more than 2 hours we spent with the Sago families. But the commitment has been proven beyond all doubt as Chairman ENZI and Senators KENNEDY, ISAKSON, MURRAY, and BYRD have worked with me to negotiate the MINER Act over the course of the last several months.

We have had some differences of opinion and worked through issues in which we were all trying to accomplish the same goal but from occasionally different angles. The good will and conscientiousness that Chairman ENZI and Senator ISAKSON have shown in this process give me hope for greater bipartisan cooperation in the future. I am extremely grateful to them for their willingness to work through our honest differences.

While I believe the MINER Act will result in greatly improved safety in

our mines, it is not the last word in health and safety protections for the men and women who work underground. More aggressive measures on mine safety may be needed. Chairman ENZI has produced a very good bill, but I would have included more definitive language to push the introduction of emergency refuge chambers in mines, and I would have prevented the use of belt air anywhere its use presents an unreasonable hazard to miners. In any event, miners should not have to wait much longer for Congress to act. Legislating can be a slow process, but in times of crisis—and I believe we are in a time of crisis in our mines—Congress must act.

As we work to move this legislation through Congress, we must commit with equal dedication to ongoing oversight. I believe I have that commitment from the chairman of the HELP Committee. But we need to ask more of the administration also: in resources—real dollars; in a renewed dedication to an inspector workforce weakened by retirements and attrition; and in more vigilance on the part of mine inspectors, who must be willing to spend the time in those mines where safety concerns go unabated today. On the front lines, I believe our coal companies understand that safe mines are productive mines, and our miners come to work each day ready and willing to do their jobs in the safest way possible.

I commit to work with my cosponsors and all in Congress and the administration who care about miners to get this bill enacted this year and to continue to improve mine safety even after the MINER Act passes.●

Mr. ENZI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

(The bill will be printed in a future edition of the RECORD.)

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. DEWINE, Mr. NELSON of Florida, Mr. KYL, Mr. CARPER, Mr. TALENT, Mrs. LINCOLN, Ms. SNOWE, Ms. CANTWELL, Mr. SANTORUM, Mr. BAYH, Mr. BURNS, Mr. CONRAD, Ms. MURKOWSKI, Mrs. MURRAY, Mr. SMITH, and Mr. HATCH):

S. 2810. A bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes; read the first time.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2810

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare Late Enrollment Assistance Act of 2006”.

#### SEC. 2. ELIMINATION OF MONTHS IN 2006 FROM THE CALCULATION OF ANY LATE ENROLLMENT PENALTY UNDER MEDICARE PART D.

(a) ELIMINATION.—Section 1860D-13(b)(3)(B) of the Social Security Act (42 U.S.C. 1395w-113(b)(3)(B)) is amended by adding at the end the following new sentence: “In no case shall any month in 2006 be considered to be an uncovered month under this subsection.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 101(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2071).

#### SEC. 3. ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE COUNSELING PROGRAMS.

(a) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated \$13,000,000 to the Secretary of Health and Human Services for fiscal year 2007, for the purpose of providing grants to States for State health insurance counseling programs receiving assistance under section 4360 of the Omnibus Reconciliation Act of 1990.

(b) ALLOCATION.—

(1) ALLOCATION BASED ON PERCENTAGE OF LOW-INCOME BENEFICIARIES.—The amount of a grant to a State under this section from ½ of the total amount made available under subsection (a) shall be based on the number of individuals that meet the requirement under section 1860D-14(a)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)(A)(i)) relative to the total number of part D eligible individuals (as defined in section 1860D-1(a)(3)(A) of such Act (42 U.S.C. 1395w-101(a)(3))) in each State, as estimated by the Secretary of Health and Human Services.

(2) ALLOCATION BASED ON PERCENTAGE OF RURAL BENEFICIARIES.—The amount of a grant to a State under this section from ½ of the total amount made available under subsection (a) shall be based on the number of part D eligible individuals (as so defined) residing in a rural area (as determined by the Administrator of the Centers for Medicare & Medicaid Services) relative to the total number of such individuals in each State, as estimated by the Secretary of Health and Human Services.

(c) AVAILABILITY.—Amounts made available under subsection (a) shall remain available—

(1) for obligation until November 1, 2006; and

(2) for expenditure until June 30, 2008.

#### SEC. 4. ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.

(a) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated \$5,000,000 to the Secretary of Health and Human Services for fiscal year 2007, to enable the Assistant Secretary on Aging to provide grants to States for area agencies on aging (as defined in section 102 of the Older American Act of 1965 (42 U.S.C. 3002)). Such assistance shall be used to provide eligible Medicare beneficiaries with information regarding benefits under title XVIII of the Social Security Act.

(b) ALLOCATION BASED ON PERCENTAGE OF LOW-INCOME AND RURAL BENEFICIARIES.—The amount of a grant to a State under this section from the total amount made available under subsection (a) shall be determined in the same manner as the amount of a grant to a State under section 4 from the total amount made available under subsection (a) of such section is determined under paragraphs (1) and (2) of subsection (b) of such section.

(c) AVAILABILITY.—Amounts made available under subsection (a) shall remain available—

(1) for obligation until November 1, 2006; and

(2) for expenditure until June 30, 2008.

#### SEC. 5. MEDICARE ADVANTAGE REGIONAL PLAN STABILIZATION FUND REVISIONS.

(a) IN GENERAL.—Section 1858(e)(5) of the Social Security Act (42 U.S.C. 1395w-27a(e)(5)) is amended by adding at the end the following new subparagraph:

“(C) ADDITIONAL LIMITATION.—In no case may the total expenditures from the Fund—

“(I) prior to October 1, 2007, exceed \$566,000,000;

“(II) during the period beginning on October 1, 2007, and ending on September 30, 2011, exceed \$4,507,000,000.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 221(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2181).

By Mrs. FEINSTEIN:

S. 2813. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent residence status to Claudia Marquez Rico, a Mexican national living in Redwood City, CA.

Born in Jalisco, Mexico, Claudia was brought to the United States by her parents 16 years ago. Claudia was just 6 years old at the time. She has two younger brothers, Jose and Omar, who came to America with her, and a sister, Maribel, who was born in California and is a U.S. Citizen. America is the only home they know.

Six years ago that home was visited by tragedy. As Mr. and Mrs. Marquez were driving to work early on the morning of October 4, 2000, they were both killed in a horrible traffic accident when their car collided with a truck on an isolated rural road.

The children went to live with their aunt and uncle, Hortencia and Patricio Alcalá. The Alcalás are a generous and loving couple. They are U.S. citizens with two children of their own. They took the Marquez children in and did all they could to comfort them in their grief. They supervised their schooling, and made sure they received the counseling they needed, too. The family is active in their parish at Buen Pastor Catholic Church, and Patricio Alcalá serves as a youth soccer coach. In 2001, the Alcalás were appointed the legal guardians of the Marquez children.

Sadly, the Marquez family received bad legal representation. At the time of their parents' death, Claudia and Jose were minors, and qualified for special immigrant juvenile status. This category was enacted by Congress to protect children like them from the hardship that would result from deportation under such extraordinary circumstances, when a State court deems them to be dependents due to abuse, abandonment or neglect. Today, their younger brother Omar is on track to lawful permanent residence status as a special immigrant juvenile. Unfortunately, the family's previous lawyer failed to secure this relief for Claudia, and she has now reached the age of majority without having resolved her immigration status.

I should note that their former lawyer, Walter Pineda, is currently answering charges on 29 counts of professional incompetence and 5 counts of moral turpitude for mishandling immigration cases and appears on his way to being disbarred.

I am offering legislation on Claudia's behalf because I believe that, without it, this family would endure an immense and unfair hardship. Indeed, without this legislation, this family will not remain a family for much longer.

Despite the adversity they encountered, Claudia and José finished school and now work together in a pet grooming store in Redwood City, where Claudia is the store manager. They support themselves, and they are dedicated to their community and devoted to their family. In fact, last year Claudia became the legal guardian of her 14-year-old sister Maribel, who lives with her and José at their home in Redwood City. Omar, now 17 years old, continues to live with the Alcalas so as not to interrupt his studies at Aragon High School in San Mateo. Again, Maribel is a U.S. citizen, and Omar is eligible for a green card.

Claudia has no close relatives in Mexico. She has never visited Mexico, and she was so young when she was brought to America that she has no memories of it. How can we expect her to start a new life there now?

It would be a grave injustice to add to this family's misfortune by tearing these siblings apart. This is a close family, and they have come to rely on each other heavily in the absence of their deceased parents. This bill will prevent the added tragedy of another wrenching separation.

I ask unanimous consent that the text of the bill be printed in the RECORD along with a letter from Claudia and José Marquez Rico.

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

S. 2813

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR CLAUDIA MARQUEZ RICO.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Claudia Marquez Rico shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Claudia Marquez Rico enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and, if otherwise eligible, shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of

an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Claudia Marquez Rico, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Claudia Marquez Rico shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

JANUARY 3, 2005.

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

DEAR SENATOR FEINSTEIN: We are writing to request your assistance in introducing a private bill in the United States Senate on our behalf. We are currently in deportation proceedings before the Immigration Court in San Francisco, California. We are twenty-one and eighteen years old respectively. We have two other siblings, Omar, sixteen, and Maribel, twelve.

Our parents entered the United States without documents in 1990. We were very young at the time and don't remember entering the United States or ever living in Mexico. Our life in the United States is the only thing we have ever known, it is where our family, friends, and community are and have always been.

In October 2000 our parents were both killed in a terrible car accident. We were so sad to suddenly not have our parents and scared about what our future would bring. After the accident we went to live with our aunt and uncle, Hortencia and Patricio Alcala, in San Mateo, California and they became our legal guardians. It was difficult to adjust to life without our parents. We lived in a new home, in a new environment, and attended different schools with new people. Everything in our lives had changed.

Before their deaths, our parents had a case before the Immigration Court in San Francisco, California and we were included in that case. Our youngest sister Maribel was born here in the United States and so she is a citizen and not part of the case. We know that despite the deaths of our parents that case continues and that we may be deported to Mexico. We have a lawyer who is trying to help us with our case, Angela Bean. She said she will be able to help our brother Omar in his case because he is still a minor but that there are few options for us to remain in the United States legally. We are trying to find a solution for our case but are scared we may be deported before we are able to do so.

Our parents came to this country because they wanted a better future for us and all we want is the chance to have the kind of opportunities they sought for us. Jose Elvis wants to study mechanics and then open his own shop and Claudia wants to go to college. All of our dreams would be lost if we had to return to Mexico. We have no family there and no way of supporting ourselves. Even though we were born there, we came to the United States at such a young age it's as if we have never been there before.

We not only worry about our future, but about our sister Maribel if we were forced to go back to Mexico. She is the youngest and we want to be here for her as she grows up and to protect her and teach her things. All we have is each other now and we don't want to be separated from the family we have left.

We ask for your help so that we can remain in the United States and so we can continue to grow and be surrounded by the people and places we know and love. Our lives have been very difficult since the deaths of our parents and we hope that we can remain in this country where we have the opportunities our parents wanted for us and the family support that we need.

Sincerely,

CLAUDIA MARQUEZ-RICO.  
JOSE ELVIS MARQUEZ-RICO.

By Mr. DODD:

S. 2815. A bill to establish the Commission on Economic Indicators to conduct a study and submit a report containing recommendations concerning the appropriateness and accuracy of the methodology, calculations, and reporting used by the Government relating to certain economic indicators; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I introduce legislation today to improve the way we measure the condition of America's economy. My bill, the Economic Indicators Commission Act of 2006, would establish a nonpartisan commission of experts to make recommendations concerning the appropriateness and accuracy of the methodology, calculations, and reporting of the government's economic statistics. I am joined in this effort by Representative EMANUEL in the other body.

The statistics that describe our economy provide essential information and guidance for private market actors and public policymakers. Statistics like Gross Domestic Product, GDP, the inflation rate, and the unemployment rate help investors decide how to allocate their money, help entrepreneurs decide whether to start a new business, and help job-seekers decide where to look for new opportunities. Policymakers ranging from central bankers to elected officials rely on the same statistics to make informed decisions about monetary and fiscal policy and public sector investments.

Yet while we rely on these indicators, we know that they paint an imperfect picture. The Bureau of Labor Statistics, BLS, for example, reports two separate measures of employment, which, as many of us may remember, created some controversy in 2003 and 2004 when they provided conflicting assessments of our economy's health. The BLS's two series never match up perfectly, but at one point, one measure showed a loss of 1 million jobs since the recession's official end in November 2001, while the other reported an increase of 1.4 million. The 2004 Economic Report of the President called such a large and sustained divergence "unprecedented."

Ben Bernanke, now Chairman of the Federal Reserve Board of Governors,

described well the challenge of relying on imperfect indicators in a 2004 speech to the National Economists Club in Washington, DC. In the speech, Dr. Bernanke made light of a common analogy used to describe American monetary policy, which compares the Federal Reserve's Federal Open Market Committee to the driver of a car—the U.S. economy—who must decide whether to tap the accelerator or the brake in order to maintain proper speed. Dr. Bernanke offered a slightly modified comparison: “[I]f making monetary policy is like driving a car,” he said, “then the car is one that has an unreliable speedometer, a foggy windshield, and a tendency to respond unpredictably and with delay to the accelerator or the brake.”

While our economic statistics will likely never provide perfect, real-time gauges of our economy's performance, that does not mean we should cease seeking to improve them. Chairman Bernanke's predecessor at the Federal Reserve, Alan Greenspan, was known for his search for insight not only by reading economic data, but also by knowing its limitations and pushing for better ways to measure what was happening in the national and global economies. As Chairman Greenspan recognized in a speech to the American Economic Association on January 3, 2004, “the economic world in which we function is best described by a structure whose parameters are continuously changing.”

Chairman Greenspan makes an important point. As our economy evolves, so too should our methods for measuring it. In a recent *Business Week* cover story, reporter Michael Mandel outlines one example of how modern features of the 21st century economy may be challenging the accuracy of traditional economic indicators. America's economy, Mandel argues, has become increasingly “knowledge-based,” driven by intangible investments in addition to the production of tangible goods. Intangibles, however, are notoriously difficult to measure, so as a result, our traditional indicators may be leaving out a growing portion of the economic picture. If intangibles truly are growing in importance, our statistics must better account for them in order to provide a full and accurate measure of economic activity.

Intangibles aren't the only economic factor that our current indicators may not capture accurately. Researchers in academic and public policy institutions have also questioned the way we measure poverty in America. They suggest that the government's use of “reported household income” as the primary measurement tool does not properly account for regional differences in the cost of living or noncash items such as food stamps. As a result, we may be systematically undercounting the number of Americans living in poverty, especially those living in high-cost areas. Mr. President, if we as a Nation are going to effectively fight the

scourge of poverty, we must know where to aim and have the ability to measure our progress.

Properly accounting for intangibles and developing more realistic standards of poverty represent only two of the many challenges we face in improving the way we measure our economy. Public servants at each of our government statistical agencies, along with independent researchers, are working continuously and diligently to better the techniques for collecting and reporting information. But the challenge is to bring these efforts together in a larger, coordinated context, with the mission to fundamentally re-examine the way we measure economic activity and our progress as a society.

The legislation I introduce today, the Economic Indicators Commission Act of 2006, will achieve this goal. It establishes a nonpartisan panel of eight experts appointed by Senate and House leadership, in consultation with the chairman and ranking members of the Banking and Finance Committees in the Senate, the Financial Services and Ways and Means Committees in the House, and the Joint Economic Committee. The bill directs the Commission to consult with both users and reporters of data, such as the Federal Reserve and Council of Economic Advisers and the Commerce and Labor Departments, and report its findings and recommendations to the Congress within 12 months.

In order to formulate effective policy and improve market efficiency, we need a full and accurate picture of the economy. Our economic data has the power to literally move markets; it influences billions of dollars worth of investment and public policy decisions. The legislation I introduce today will help Americans make more informed decisions by improving these statistics. Going back to Chairman Bernanke's joke about the analogy of the economy as a difficult-to-drive car, this bill will help drivers de-fog the windshield and upgrade the speedometer, for the benefit of all.

Mr. President, I ask unanimous consent that the text of the bill be printed in the *RECORD*.

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

S. 2815

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Commission on Economic Indicators Act of 2006”.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the Federal and State governments and private sector entities depend on the economic statistics published by the Federal Government;

(2) questions have been raised about the accuracy of various measures including productivity, poverty, inflation, employment and unemployment, and wages and income; and

(3) it is essential that these indicators accurately reflect underlying economic activity and conditions.

#### SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission on Economic Indicators (in this Act referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members of whom—

(A) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Finance of the Senate, and the Joint Economic Committee;

(B) 2 shall be appointed by the Minority Leader of the Senate, in consultation with the Chairmen and Ranking Members of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Finance of the Senate, and the Joint Economic Committee;

(C) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen and Ranking Members of the Committee on Financial Services of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee; and

(D) 2 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Chairmen and Ranking Members of the Committee on Financial Services of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee.

(2) QUALIFICATIONS.—Members of the Commission shall be—

(A) appointed on a nonpartisan basis; and

(B) experts in the fields of economics, statistics, or other related professions.

(3) DATE.—The appointments of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner: as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

#### SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall conduct a study of—

(1) economic statistics collected and reported by United States Government agencies, including national income, employment and unemployment, wages, personal income, wealth, savings, debt, productivity, inflation, and international trade and capital flows; and

(2) ways to improve the related statistical measurements so that such measurements provide a more accurate and complete depiction of economic conditions.

(b) CONSULTATION.—In conducting the study under this section, the Commission shall consult with—

(1) the Chairman of the Federal Reserve Board of Governors;

(2) the Secretary of Commerce;

(3) the Secretary of Labor;

(4) the Secretary of the Treasury;

(5) the Chairman of the Council of Economic Advisers; and

(6) the Comptroller General of the United States.

(c) **REPORT.**—Not later than 1 year after the date of the first meeting of the Commission, the Commission shall submit a report to Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with recommendations for such legislation and administrative actions as the Commission considers appropriate, including a recommendation of the appropriateness of establishing a similar commission after the termination of the Commission.

#### SEC. 5. POWERS OF THE COMMISSION.

(a) **HEARINGS.**—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission. The Commission shall maintain the same level of confidentiality for such information made available under this subsection as is required of the head of the department or agency from which the information was obtained.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

#### SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) **COMPENSATION.**—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) **PERSONNEL AS FEDERAL EMPLOYEES.**—

(A) **IN GENERAL.**—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) **MEMBERS OF BOARD.**—Subparagraph (A) shall not be construed to apply to members of the Commission.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

#### SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 4.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this Act.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. JOHNSON, Mr. DORGAN, and Mr. BIDEN):

S. 2816. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the manufacture of flexible fuel motor vehicles and to extend and increase the income tax credit for alternative fuel refueling property, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Today, I am introducing, along with Senators LUGAR, JOHNSON, DORGAN and BIDEN, tax legislation that is designed to complement the Biofuels Security Act of 2006, also being introduced today. I will walk through these provisions very briefly.

The legislation amends the existing tax credit for installing alternative fueling infrastructure, such as E85 fueling pumps and tanks which was enacted as part of last year's energy bill. That existing provision allows a tax credit of 30 percent of the cost of installation, with a maximum credit of \$30,000. Our bill modifies this credit in three ways. First, we would eliminate availability of the credit for the large oil companies that would be required to install such E85 pumps under the companion Biofuels Security Act. These companies have the financial wherewithal to install these pumps without the need for a tax credit. Second, for retailers who would not be required to install E85 pumps and tanks under our proposed legislation, our bill would enhance the tax credit to 50 percent of the cost of installation, with a maximum credit of \$30,000. Third, for small retailers, that is, those with 5 or fewer stations, our bill would increase the credit to 75 percent of the cost of installation, up to a maximum credit of \$45,000.

This tax legislation would also create a new consumer tax credit for the pur-

chase of flexfuel vehicles if the vehicles have no fuel efficiency loss from the use of E85 as compared to regular gasoline. Current flex-fuel models do have some mileage loss. We understand that there is technology available—for example, a Saab “biofuel” flex-fuel E-85 vehicle on the market in parts of Europe—allowing vehicles to have no fuel efficiency loss when burning E85 in comparison to gasoline, and perhaps even some mileage gain. The tax incentive we propose here will help foster further development of biofuels-related technology and promote better fuel efficiency as well.

I urge my colleagues to support this important legislation.

Mr. JOHNSON. Mr. President, today I join Senators HARKIN, LUGAR, and DORGAN in introducing a broad package of initiatives to jump-start the distribution of renewable fuels, empower consumers, and achieve our long-standing goal of displacing foreign sources of energy.

The Biofuels Security Act of 2006 stakes out three broad approaches toward increasing production of renewable fuels and connecting the infrastructure required to deliver biofuels to a new fleet of flexible fuel vehicles. In combination these policies can extend home-grown renewable fuels to a predominate place in America's energy mix.

The Biofuels Security Act of 2006 moves forward to aggressively increase the amount of renewable fuels used in the marketplace to a requirement of 60 billion gallons in 2030. Our approach is phased through a realistic and technically feasible glide path beginning with a 10 billion gallon requirement in 2010, escalating to 30 billion gallons in 2020 and doubling that standard in the final decade. Existing ethanol capacity is anticipated to grow by approximately 30 percent in 2006, from 4.4 billion gallons to 6.3 billion gallons by the end of 2006. Domestic ethanol production is meeting demand and ethanol from corn has the capability of producing upwards of another 10 to 15 billion gallons in the next decade. As ethanol production from corn matures, new feedstocks, such as switch grass will complement corn as a driver toward ethanol production. Setting benchmarks and creating long-term market stability through a demand-driven standard will ensure a competitive biofuel market and help drive down the cost of gasoline and other refined products that pinch consumer budgets.

Tying together future demand are 2 sets of standards and incentives that will transform the availability of higher blends of ethanol fuels. Our bipartisan approach requires auto manufacturers to produce vehicles that can run on higher blends of renewable fuels. Flexible fuel vehicles are capable of optimal performance with high ethanol blended fuels, such as E85—a blend of 85 percent ethanol and 15 percent gasoline. Auto manufacturers are gradually



moving toward production methods that can inexpensively modify trucks and cars to perform at the highest standards on E85 fuel. The Nation lacks, however, a long-term policy that sets benchmarks and targets to manufacture dual-fueled vehicles. Today, there are approximately 6 million dual-fueled vehicles in the United States, a small fraction of the 230 million gasoline and diesel-fueled vehicles filling our roads. Through introducing this bill we are committing to the public that a decade after enactment of the Biofuels Security Act all vehicles sold in the United States will be dual-fueled vehicles providing maximum performance on all fuel blends.

The second basket of requirements and incentives is targeted toward ensuring that as Americans purchase dual-fueled vehicles that the fueling infrastructure is in place to meet the demand. Retail gasoline stations that market E85 and B20—diesel fuel mixed with biodiesel and petroleum diesel fuel—are few and far between. Fuel distributors and retail station owners who want to market E85 are often locked out through contractual agreements with big oil companies offering certain fuel blends. Accordingly, most gasoline marketers offering E85 are independent distributors and station owners that understand the competitive advantage from distributing alternative fuels. The Biofuels Security Act ties together dual-fueled vehicles with refueling infrastructure through an enhanced tax credit of 75 percent capped at \$45,000 for the installation of refueling equipment for small business gas station owners. The credit is phased-back to 50 percent and capped at \$30,000 for larger retail gasoline station owners. Our goal is that in a decade at least 40 percent of all retail gasoline stations include an alternative fuel pump.

The Biofuels Security Act of 2006 builds upon the strong consumer demand pushing our country toward portfolio of biofuels—ethanol, biodiesel—from diversified feedstocks grown and refined throughout the country. Combining a long-term renewable fuel requirement to infrastructure and vehicle preference can decrease our reliance on imported energy sources and lower consumer energy costs. All 3 of these pieces need to move in concert in order to maximize the transition from a hydrocarbon-based society to a more balanced and sustainable model.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. JOHNSON, Mr. DORGAN, and Mr. BIDEN):

S. 2817. A bill to promote renewable fuel and energy security of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, high prices for gasoline, diesel fuel and other petroleum-based energy continue to cause pain for millions of people, in Iowa and all across the country. Our dependence on foreign oil is a clear and

present danger to our national security.

If we are serious about national security, we need a bold national commitment to renewable energy—a commitment on par with the Apollo moon-shot program in the 1960s. Today, I am pleased to be joined by my colleague from Indiana, Senator LUGAR in proposing a major component of such a program—the Biofuels Security Act—a comprehensive plan to ramp-up ethanol and biodiesel production, and to make it available and usable at the pump in every State in America.

Perhaps Senator LUGAR said it best earlier this year when he commented that energy is the albatross around the neck of U.S. national security. The distinguished senior Senator from Indiana has been a thoughtful, prescient thinker about the national security implications of our addiction to foreign oil, and I am delighted to be joining with him, today.

Senators JOHNSON, DORGAN and BIDEN are also original cosponsors of this legislation, for which I am grateful. The Senators have been outspoken champions of biofuels for many years now, and strong advocates for their home States.

The goal of this legislation is to help restore America's energy security—which, in this day and age, is synonymous with national security. Transportation fuels, accounting for two-thirds of our oil imports, are the place to start this transition.

Our plan has three key components. First, we are proposing a substantially higher, but achievable, renewable fuels standard or RFS, requiring that our Nation blend into the gasoline supply 10 billion gallons of renewable fuel annually by the year 2010, 30 billion gallons of renewable fuel annually by the year 2020 and 60 billion gallons annually in the year 2030. The current RFS is 7.5 billion gallons of renewable fuels in 2012. At the time we enacted the present RFS in last year's energy bill, many of us believed this was a reasonably ambitious schedule. However, it is now evident that biofuels growth will outpace this figure within the next couple of years—well in advance of the 2012 target date. This is very good news.

Second, our plan would make E85—the blend of gasoline and 85 percent ethanol—available at gas stations all across America. Major oil companies would be required to increase the number of E85 pumps at their stations by 5 percentage points annually. Within a decade, approximately 25 percent of gas stations nationwide would be required to have E85 pumps.

The major oil companies have the financial wherewithal—and the ability—to provide E85 infrastructure at a growing percentage of gasoline stations over the next decade. This is a reasonable, responsible reinvestment of a fraction of their recent earnings in the many billions of dollars. The bottom line is that our domestic oil companies

have a shared responsibility to help enhance our energy security, and this is one excellent way for them to contribute.

Third, our plan would make flex-fuel vehicles nearly universal in the United States. Automakers would be required to increase the production of flex-fuel vehicles—capable of using both gasoline and 85 percent ethanol blends—by 10 percentage points annually, until nearly all new vehicles sold in the U.S. are flex-fuel within a decade. Our legislation calls for all of the auto manufacturers to produce increasing numbers of FFVs, rising to 100 percent of vehicles 10,000 pounds or less over the next decade. This is eminently achievable, and probably easy enough to do much sooner than that.

Recent estimates for the extra cost of manufacturing an FFV are as low as \$30. It is a matter of modifying the engine, fuel line and adding a fuel sensor, which most vehicles have anyway. That is less expensive than many other federal requirements for the auto industry. Air bags are more expensive, for instance. And the bottom line is FFVs are being sold for the same price as regular cars.

America's dependence on foreign oil is the source of so many of our problems, today. We are transferring vast amounts of wealth to regimes that are not friendly to our interests. We are vulnerable to price hikes and embargoes. Millions of petrodollars are finding their way into the hands of terrorists and other extremists. And we are accelerating the pace of global warming.

Substituting biofuels for oil in the transportation sector won't solve these problems overnight, but it will make a difference, and a potentially dramatic one in the longer run.

Let me mention a few eye-opening facts and figures to illustrate these points. The United States has less than 5 percent of the world's population, but we consume 25 percent of the world's oil. If crude oil prices remain above \$60 a barrel this year, we will spend well over \$300 billion on oil imports. Projections indicate that, over the next 25 years, world demand for energy will grow by 50 percent. All of this growth in energy use, of course, contributes to dangerously rising levels of greenhouse gas emissions.

The reality is that gasoline is much more costly than most Americans realize, even at \$3 a gallon. According to a recent study entitled the "The Hidden Cost of Oil," gas really costs more than \$10 a gallon. This is because of all the costs we don't factor into its price at the pump, including wars, other military expenses, subsidies, and so on.

There is no question that the ambitious goals set forth in this bill are achievable.

Several decades ago, Brazil committed itself to a similar course. Renewable fuels have played a big part in Brazil's achieving energy independence. Currently, ethanol production in

the U.S. is increasing by 25 percent annually. If we sustain that rate of increase, we will be able to reach the aggressive renewable fuels standard in the Harkin-Lugar plan. In fact, we will be able to beat it.

For example, Brazil, years ago directed that all gasoline stations carry ethanol as an alternative fuel. Our legislation would require the major oil companies to do their share by installing E85 pumps over the next decade. This should not pose too much of a challenge or burden.

Another key to Brazil's success is the fact that, in just 3 years' time, nearly 70 percent of new vehicles sold there are flex-fuel vehicles. We are asking the auto companies to accomplish a similar goal of nearly universal production, only we are giving them a decade to phase in the production and sale of flex-fuel vehicles. Most of the companies that sell vehicles in the United States also sell them in Brazil. If they can produce flex-fuel vehicles for Brazil, they can also produce them for the United States.

Let me explain in more detail why what Senator LUGAR and I are proposing can be accomplished.

The 10 billion gallon goal can certainly be met by 2010. The ethanol industry will produce more than 4.5 billion gallons this year. There are 97 ethanol plants in operation, with 35 more coming on-line in the near future. Biodiesel production is growing remarkably, as well, at more than 60 plants nationwide.

The 30-billion-gallon and 60-billion-gallon targets are attainable, as well. A joint study by the Department of Agriculture and the Department of Energy found that biofuels could supply 60 billion gallons of renewable fuels a year—30 percent of current U.S. gasoline consumption—on existing lands without any disruption to our food or feed supply.

The key to ramping-up production will be commercializing ethanol made from feedstocks in addition to corn and other grains, including corn stover, straw from wheat and other crops, switchgrass or even trees. There are a host of provisions that I and others authored in the energy bill—ranging from loan guarantees to increased biomass research and development—to make cellulosic ethanol production a reality.

Currently, at least three companies are planning commercial-scale cellulosic ethanol plants. They could be operating within the next 2 to 3 years. One company, Iogen, has the backing of Shell Oil. Just 2 weeks ago, according to reports, Iogen received a cash infusion from Goldman Sachs. By setting an ambitious new RFS, with a sufficient lead time, I believe the 60-billion-gallon threshold is not only attainable, but beatable.

In any case, should something unexpected happen to interfere with reaching these benchmarks, the Environmental Protection Agency has, within

the existing RFS, authority to waive the requirement in whole or in part based on a finding of insufficient supply.

If we take bold actions to guarantee the fuel supply, if we increase the number of flex-fuel vehicles capable of running on E85, and if we increase the infrastructure of E85 pumps, we will be poised to usher in a new era of energy security much sooner than previously imagined. That is the foundation we lay in this legislation.

This bill would also require that 100 percent of new vehicles purchased for federal fleets be alternative-fueled vehicles, which could include flex-fuel vehicles. The current requirement is 75 percent. I do not see why we shouldn't expect the federal government to be as aggressive as possible in this area.

Last year's energy bill closed a loophole in the purchasing requirement that had allowed agencies to buy alternative-fuel vehicles but not use alternative fuels such as E85. That was a step forward. Requiring all the federal fleet to be alternative fueled is yet another step forward in having the Federal Government lead by example when it comes to alternative fuels.

We also update the Gasohol Competition Act of 1980, legislation designed many years ago to ensure the reasonable availability of ethanol at the pump, so it applies to high blends such as E85 and so that oil companies cannot prevent a franchisee from installing E85 pumps.

The concern back then, and still today, is that petroleum companies were unreasonably preventing or prohibiting ethanol-blended fuels from being offered at gasoline stations. The Gasohol Competition Act did two things. First, it made it unlawful to charge additional credit card fees for gasohol. Second, it prohibited unreasonable discrimination against the sale of gasohol. Our legislation would update the Gasohol Competition Act to prohibit discrimination against E85.

We are also proposing several relatively modest tax components designed to bolster this legislation which will be introduced as stand-alone legislation.

The oil-producing countries think they have us over a barrel, but they will soon get the message: We have had enough. And we are dead serious about determining our own energy future.

I urge my colleagues to cosponsor this important legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 480—EXPRESSING THE SENSE OF THE SENATE REGARDING THE CHEMICAL WEAPONS CONVENTION

Mr. SALAZAR (for himself, Mr. ALLARD, Mr. BAYH, Mr. BUNNING, Mr. MCCONNELL, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 480

Whereas the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires all United States chemical weapons stockpiles be destroyed by April 29, 2012;

Whereas, on April 10, 2006, the Department of Defense notified Congress that the United States would not meet the deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles;

Whereas, destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law; and

Whereas, the elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees separately or as part of another required report.

#### SENATE RESOLUTION 481—RELATIVE TO THE DEATH OF JACOB CHIC HECHT, FORMER UNITED STATES SENATOR FOR THE STATE OF NEVADA

Mr. FRIST (for himself, Mr. REID, and Mr. ENSIGN) submitted the following resolution; which was considered and agreed to:

S. RES. 481

Whereas Jacob Chic Hecht served as a special agent in the United States Army Intelligence Corps;

Whereas Jacob Chic Hecht served the people of Nevada with distinction from 1983 to 1989 in the United States Senate;

Whereas Jacob Chic Hecht served as United States Ambassador to the Bahamas from 1989 until 1994; Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jacob Chic Hecht, former member of the United States Senate; and be it further

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and be it further

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Jacob Chic Hecht.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3994. Mr. SALAZAR (for himself and Mr. MARTINEZ) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes.