

(The remarks of Mr. McCONNELL and Mrs. FEINSTEIN pertaining to the introduction of S.J. Res. 16 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RESERVATION OF LEADER TIME

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

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

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

The assistant legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Reid (for Bingaman) amendment No. 1537 (to amendment No. 1502), to provide for a renewable portfolio standard.

McConnell (for Domenici) amendment No. 1538 (to amendment No. 1537), to provide for the establishment of a Federal clean portfolio standard.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. I ask unanimous consent that I may be recognized for 10 minutes as in morning business.

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

CRAIG THOMAS RURAL HOSPITAL AND PROVIDER EQUITY ACT

Mr. ROBERTS. Mr. President, today I am very proud and honored to cosponsor legislation along with my colleagues, Senators CONRAD, HARKIN, and several Members of the Senate Rural Health Care Caucus, to honor Senator Craig Thomas.

The bill is the Craig Thomas Rural Hospital and Provider Equity Act. As we all know, last week the Senate lost a steady hand and man who has done much for his State of Wyoming. Craig was dependable in the finest sense of the word. He was the epitome of what I believe a Senator should be.

On a personal note, he was not only a colleague but a dear friend, and I will cherish that always. He was also a fellow marine. In this case, *Semper Fidelis*, "always faithful," is always appropriate. If anyone faced trouble in their life, the one person they would want by their side riding shotgun would be Craig Thomas. The people of

Wyoming and all of Craig's colleagues knew that he fought for rural America and always put the needs of his State above all else.

On the health care front, Craig was truly a champion for strengthening our rural health care delivery system and provided much needed relief to our hospitals and other providers in our rural areas. He served for 10 years as the co-chair of the Senate Rural Health Care Caucus. He actually took the reins over as cochair after my fellow Kansan, Senator Bob Dole, retired from the Senate. As I know personally, certainly, it is hard to follow in the footsteps of Senator Dole. But Craig Thomas did this with great ease and with great pride. His steady leadership put the caucus on the map, and he made great strides in showing all of our colleagues the true needs of rural health care. I know the members of the caucus will miss him and his leadership greatly.

One of the biggest accomplishments for Craig in the Rural Health Care Caucus was passage of the Medicare Modernization Act of 2003, which provided a big boost to our rural hospitals and our providers. Never before have I seen such recognition and support for our colleagues from all geographical areas—large, small, urban, rural—for including these badly needed rural health care provisions.

However, you would never know that it was Craig Thomas's hard behind-the-scenes work that caused these rural health care provisions to be included in the Medicare bill. Craig Thomas was more concerned with getting the work done rather than taking any credit. So instead of taking individual credit for his hard work and dedication on the Medicare bill, Craig simply applauded the entire Senate Rural Health Care Caucus and patted everybody else on the back—so typical of Craig.

However, Craig knew that while the passage of the Medicare bill was a giant step for rural health, we still have much more work to do to ensure our rural health care system can continue to survive. That is why we are proud and honored to carry on his legacy by introducing the Craig Thomas Rural Hospital and Provider Equity Act.

Craig and his staff have worked extremely hard over the last 6 months, getting this bill together, working with other members of the Rural Health Care Caucus to identify their top priorities. I thank his health staffer, Erin Tuggle, for being such a champion alongside of Craig. I know my staff worked extremely closely with Erin, as many others in the Senate staff have done. I have a great amount of respect for her hard work. Erin, we are proud of you and we thank you for everything you have done on behalf of rural health care.

We had actually planned to introduce this legislation last week with Craig leading the charge, but now Senators CONRAD, HARKIN, and I and the other

members of the Rural Health Care Caucus will do our best to lead in his absence. I have made a personal commitment to making sure we get this bill done and ultimately provide the much needed relief to our rural communities.

The Craig Thomas Rural Hospital and Provider Equity Act recognizes that rural health care providers have very different needs than their urban counterparts and that health care is not one size fits all.

The Craig Thomas Rural Hospital and Provider Equity Act of 2007, makes changes to Medicare regulations for rural hospitals and providers recognizing the difficulty in achieving the same economies of scale as large urban facilities. This legislation equalizes Medicare disproportionate share hospital payments to bring rural hospitals in line with urban facilities. This bill provides additional assistance for small, rural hospitals who have a low volume of patients. Often, these hospitals have trouble making ends meet under the Medicare payment system.

The Craig Thomas Rural Hospital and Provider Equity Act also provides a capital infrastructure loan program to make loans available to help rural facilities improve crumbling buildings and infrastructure. In addition, rural providers can apply to receive planning grants to help assess capital and infrastructure needs.

The bill extends to January 1, 2010, two incentive programs aimed at improving the quality of care by attracting health care providers to health professional shortage areas. The first is the Medicare Incentive Payment Program, which provides 10 percent bonus payments to physicians practicing in shortage areas. The second is the physician fee schedule work geographic adjustment, which brings rural doctors' Medicare fee schedules for wages more in line with urban doctors'.

This bill also recognizes that other providers play a great role in the rural health delivery system. Our bill increases the payment cap for rural health clinics to keep them in line with community health centers, provides a 5-percent add-on payment for rural home health services and provides a 5-percent add-on payment for ground ambulance services in rural areas.

One of the provisions in the bill Senator Thomas particularly championed is a provision to allow marriage and family therapists and licensed professional counselors to bill Medicare for their services and be paid the rate of social workers.

Currently, the Medicare Program only permits psychiatrists, psychologists, social workers, and clinical nurse specialists to bill Medicare for mental health services provided to seniors. However, most rural counties do not have a psychiatrist or a psychologist. Marriage and family therapists and licensed professional counselors are much more likely to practice in a rural setting and are often the only mental health professionals available.

Finally, this bill uses technology to improve home health services and quality for care by creating a pilot program providing incentives for home health agencies to purchase and utilize home monitoring and communications technologies and facilitates telehealth services across State lines.

Mr. President, today I am proud and honored to co-author this bill on behalf of Craig Thomas. We all miss him greatly as a personal friend, confidant, and strong supporter. Our thoughts and prayers are with his wife Susan, his sons Patrick and Greg, and his daughter Lexie. With this legislation, Craig is still with us.

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

Mr. DOMENICI. Mr. President, I ask for 2 minutes as in morning business.

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

Mr. DOMENICI. Senator, let me say before you leave, first, I would appreciate it if you would add me to the legislation, and, second, I thank you so much for doing this, for offering this piece of legislation. That is the best we can do. We can't bring him back—we can't do much. We just hope everything will go well with his family, and this will be something that in truth indicates how much we cared for him and what a true gentleman he was—strong of will and yet very kind and decent. We want to do this in his behalf. Thank you for doing it.

Mr. ROBERTS. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from New Mexico, who is himself a strong champion for rural health care, and thank him very much for those personal remarks that are shared by every Member of this Senate.

I thank my colleague.

Mr. DOMENICI. I yield the floor.

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

Mr. BINGAMAN. Mr. President, let me just recount the state of play and where we are. I have just spoken to my colleague, Senator DOMENICI. I advise all Senators and their staffs we are still hung up on the two proposals that relate to requiring utilities to produce a larger amount of their energy from renewables. The amendment I offered, which is designated the renewable portfolio standard, requires 15 percent for renewable sources. The amendment offered on behalf of Senator DOMENICI, which has a different base against which it is applied—but it has a requirement of 20 percent against that different base and has a wider list of ways that people can meet that requirement, a wider set of options available—is a second-degree amendment to my amendment.

It would be my hope that we could get a vote on both amendments today and move on to other items on the bill. This is a very important part of what we are trying to accomplish with this legislation, so I hope very much we can do that.

I do have a unanimous consent request that I will propound at this point.

I ask unanimous consent that the time between now and 11 a.m. this morning be for debate with respect to the pending amendments, with the time equally divided and controlled between myself and Senator DOMENICI or our designees; that no other amendments be in order prior to the vote; and that at 11 a.m., without further intervening action, the Senate proceed to a vote in relation to the Domenici second-degree amendment, to be followed by a vote in relation to the Bingaman amendment, as amended, if amended.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I object, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, in light of the objection, I have no choice but to move to table the Domenici amendment, which I intend to do sometime after 11 o'clock. I understand there are committees meeting right now in important sessions, so I am not going to make that motion right now, but I expect to sometime after 11 o'clock. Then the Senate will be able at that point to go on record as to their views on the Domenici amendment.

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

Mr. DOMENICI. I want all the Senators who are concerned about this legislation, concerned about what they think might happen that is not good if, in fact, the Bingaman portfolio mandates become law, to understand I am holding down the amendments. Certainly we can, if they wish—many of our Members do wish to—not let the Bingaman amendment come up for a long time. We can do that. But we cannot then keep Senator BINGAMAN from tabling my amendment. There will be a motion to table, if that is what he desires to do, sometime before noon, if that is the time he desires. I wish he wouldn't do that. I would prefer we have a vote on ours and a vote on his. We have asked for that, side by side, with 60 votes on each one. That would be satisfactory to me. But that doesn't seem to be satisfactory to Senator BINGAMAN, which I thoroughly understand.

With that, those who want to speak against Senator BINGAMAN's amendment or in favor of the Domenici amendment, we gladly, on our side, accept anything you would like to say. Come down here before 11, or shortly after 11, and you will be heard. For those who want to be part of what is normally called a filibuster, or delaying tactic, and have asked me to be here with you, I do not mind doing that. In fact, that is my job.

I think some of you should come down and speak and be heard on the matter. I wish you would.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA.) The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wanted to speak in favor of the Bingaman amendment. I have worked with Senator BINGAMAN not just in this iteration of our energy policy choices but also previously as a member of the Energy Committee when we put together an EPA Act 2005.

My belief is we ought to manifest change here, and the change with respect to the proposal offered by my colleague, Senator BINGAMAN, is to require that 15 percent of the electricity that we would generate in the future would come from renewable energy sources. That is change.

I do wish to say to my colleague from New Mexico, Senator DOMENICI, we work together on the Energy and Water appropriations subcommittee, and we have a good working relationship. I do not believe he needs to in any way injure or demolish the Bingaman amendment in order to achieve his goals because, frankly, Senator DOMENICI has pushed very hard, for example, to advance the nuclear energy industry in this country.

In conversation with him, as I have told him, I believe we are going to see additional nuclear energy power in this country because we now come to a different intersection. That intersection includes energy and climate change. As a result of climate change being a part of this calculation, I think there will be some additional nuclear energy in our country. I might say that Senator DOMENICI has made a substantial amount of progress in recent years, both on the policy side and also the appropriations side, in advancing those issues.

So the point I would make is this: I do not think one has to in any way injure what Senator BINGAMAN is doing in order to accomplish the other pieces that Senator DOMENICI wishes. Because of that, I do not support the Domenici amendment which I think injures the center of what Senator BINGAMAN is trying to do, because I support the renewable portfolio standard. I do not particularly like that name because it is not a very identifiable name. I used to call it homegrown energy. But whatever it is, it is saying: We need a change.

What is that change? Well, let's decide that a portion—15 percent—of our electric energy in this country shall come from renewable sources. We have the capability of producing renewable energy from a variety of sources: wind energy, biomass, solar, and others. There is great promise in a number of these areas. Take a look at what Europe is doing in solar energy. Some of the very large solar energy applications are very promising and exciting, bringing prices down with substantial widespread development.

Let me just mention wind energy for a moment. I know some have said this is only about wind energy, but that is

not the case at all. But wind energy does have substantial potential. Taking energy from the wind, using the new, advanced, highly capable turbines, and using that energy to produce electricity—what a wonderful thing that is. In fact, it is not even a new idea. Go to a farmstead that has long since been abandoned and take a look at what the homesteaders did on their farmsteads. They used their wind and their wind-charger devices to pump water to produce some electricity. This is not a new idea, but the new part of it is the unbelievable technology leap in turbines, to be able to put up these wind towers and take from the wind the energy through these turbines to produce electricity and extend America's energy supplies.

Frankly, you can do even more with them, if you like. For example, we have a project in North Dakota that I have helped create that I am very proud of. We are taking energy from the wind to produce electricity and using that electricity in the process of electrolysis—separating hydrogen from water and creating a hydrogen fuel and storing the fuel. So think of that. Use a turbine to take energy from the wind and produce hydrogen fuel. That is pretty remarkable. There is so much we can do. Now, I am talking about wind, but you can talk about biomass, you can talk about wood chips, you can talk about all of the biomass that is available in all parts of the country.

I know some have said, when talking about wind, that there are certain parts of this country that have a fair amount of wind, other parts do not have as much, and in any event, it is an intermittent source of energy. That is true, but that does not deny the fact that there are other kinds of renewable sources of energy, including biomass and other forms of energy, that can be used to meet this new standard we ought to be embarking upon. For example, we ought to be encouraging solar energy. That is why this amendment by Senator BINGAMAN makes so much sense.

There is this old saying: If you do not care where you are, you are never going to be lost. Well, that is true. I mean, if you do not set some standards, you are never going to wonder whether you got there. If you did not decide where you were going and did not care where you were, I guess you will never come up short, will you? But I think the entire goal here of trying to put together a new energy policy ought to be change, and change with respect to the production of electricity, in my judgment, would be to say: Let's require 15 percent of our electric energy to come from renewable energy.

Now, frankly, a lot of the utility companies around the country are moving aggressively in those areas. I mean, they are moving aggressively in pursuit of that kind of policy. I commend them. Boy, I think many of them are moving in a way that is something they deserve great compliments about.

They understand renewable energy. Yes, even intermittent sources of energy, if you put them together in different ways, can provide almost a stable source of baseload.

So I think this amendment is one of the most important amendments on this Energy bill because it represents profound change. We have only 2 or 3 percent of the electricity in this country now produced by renewable sources of energy. We can just blithely go and act as if, you know, things never change and we don't have to worry, we can just be happy and decide we don't want to change in this area, or we can decide now that as we debate the policies, let's try to develop fundamental change. That is what the Bingaman amendment does.

I understand the resistance to it. I understand there is always resistance to change. That is just a fact. There was an old codger who was once interviewed by a radio station. He was 80-something years old. The radio reporter said to him: Well, you must have seen a lot of changes in your long life. He said: Yep, and I have been against every one of them. Easiest thing in the world to be against change. In many ways, it is the most natural thing in the world to be against change.

There are two changes here. The change with respect to the 15 percent—that change makes great sense. Senator DOMENICI is also pursuing change in a different way. I think that makes some sense, moving in other areas, but that should not be done in a way that injures the Bingaman amendment because I think, as I indicated previously, this issue of clean energy, which represents the addition of more hydropower, which I support, which represents the understanding we are going to have additional nuclear energy, which I think most in this body understand given the intersection now of climate change and energy—but that ought not and does not have to come at all at the expense of what Senator BINGAMAN is promoting with respect to fundamental change in the construct of the electric energy that is delivered around this country.

Mr. President, it will be a profound disappointment if we go through a second round of energy policy discussion on the floor of the Senate—we did it a couple of years ago; we are doing it now—it will be a profound disappointment if we are not able to enact what is called a renewable energy standard or renewable portfolio standard. I think one would be able to look at this and say: Well, yes, you talked about energy. Yes, you did some things that were good. But you missed a very important opportunity. This legislation was brought the floor of the Senate on a bipartisan basis; that means the absence of partisanship.

Senator BINGAMAN and Senator DOMENICI, both people who know a lot about energy, both have been leaders of the Energy Committee—I have worked

with both, and have great regard for both of them. So we did not, in the Energy Committee, push this amendment to have a renewable portfolio standard because we knew it would cause a division in what was brought to the floor of the Senate. I think it was almost unanimous in the Energy Committee, Republicans and Democrats. Now there is a division. I don't think so much that it is Republican or Democratic, but there is a division with respect to this larger question: Should our electric energy reflect a change in how it is produced? Should we require those who produce electricity in this country to produce 15 percent of it from renewable sources—solar, hydro and wind and biomass and so on? The answer ought to be a resounding yes. It ought to come in a chorus from this Senate because it reflects exactly the right kind of change.

The question my colleague, Senator DOMENICI, is asking with his second-degree is one that, in my judgment, I would prefer he ask without injuring the Bingaman proposal. I don't think we have to try to defeat a 15-percent requirement in order to say we believe there are constructive choices ahead of us with respect to other forms of energy.

That is why I hope—I know there is this discussion about, we ought not to have two votes, a vote on the Bingaman amendment and a vote on what I believe is a second-degree, and each should require 60 votes. I don't support that at all. That does not make any sense. Let's try now to do two things. Let's try, in this area of constructing energy policy, to pass the Bingaman amendment which reflects real change. The construct of our electric production in this country ought to be 15 percent from renewables. If we cannot do that, then we are not going to make great progress in changing energy policy. After we do that, I would hope we could talk about Senator DOMENICI's aspirations. Could we use more hydropower? Sure. Do I support that? Yes, absolutely. Are we on the road to additional nuclear energy? Absolutely, and much to the credit of his work in the authorizing and the Appropriations Committee. But that need not be done at the expense of a policy that says: We ought to, as a matter of course in this country, require 15 percent of our electricity to come from renewable sources.

You know, this whole energy issue is interesting. I mentioned the other day that we just take it all for granted. Every single day, we get up in the morning and we just flip a switch; normally it is down, we put it up. All of a sudden, there are lights. We plug something into a wall which looks like an ordinary wall, with a couple of holes in it, and all of a sudden, you can shave or you can run a hair dryer, you can run an electric toothbrush. Through the rest of our entire day, it is all about energy. We just take it for granted until it does not exist. When that energy does not exist, our lives change.

The water is not hot—there are so many things in our lives that come from energy, and we just take it all for granted.

Sixty percent of our oil comes from off our shore, much of it from very troubled parts of the world. We want to deal with that. We produce a substantial amount of electricity, and we now understand there is an intersection between the energy production and also climate change in our country that we have to address, not just in our country but on this planet. So we bring a bill to the floor that has portions of each. This is not so much a climate change bill as it is an energy bill, but it reflects in the bill itself—recognizes where we are headed as a Congress with respect to all of it.

I have said previously and I believe that we will continue to use fossil fuels—coal, oil, and natural gas. That is just the fact. The question is not whether we use them; it is how we use them. That is why some of us are offering amendments. I will work on the appropriations side on the issue of clean power and the issue of clean coal technology and so on. But even as we do that, as we decide we will continue to use fossil fuels, we should not embrace the same old nonsense we have heard for decades around here; that is, real men dig and drill. If you are a real man, you dig and drill. If you are talking about renewables, somebody can pat you on the forehead and say: Good try. Its kind of a softheaded thing to be talking about, but it does not have the equivalence of understanding that you need to dig and drill for America's future. Yes, we need to dig some. Yes, we need to drill some. We are going to use fossil fuels. But we need to understand that renewables are no longer just some sort of sideshow. Renewable energy is a significant part of our capability. If we do not exercise that capability and use it in a way that benefits our energy supply and also benefits the climate change issues we confront, then we will have fallen far short of what we should do.

I see my colleague from Idaho is here. I wanted to mention that he has spoken on the floor about the need to increase supply, and he and I agree on that. We introduced a piece of legislation called the SAFE Act which supports increased automobile efficiency. It also supports increased production of fossil fuels, of oil.

I see Senator CRAIG in the Chamber. He and I are filing an amendment that deals with the increased production recommendations we had previously made in legislation that is called the SAFE Act, Security and Fuel Efficiency Energy Act. It would authorize additional production, particularly in the Gulf of Mexico where the greatest potential production exists. From my standpoint, Senator CRAIG and I have had long discussions about this. We have filed the amendment. My expectation is I would not call that particular amendment up. From what we have

learned in the Chamber, I don't think we have the capability to get the votes for that particular amendment.

I believe filing it is important to say this: We need to do a lot of things well, and we need to do a lot of things right in order to address the energy issue. Part of it is conservation. Part of it is efficiency. Part of it is production. There exists substantial additional production capability in the Gulf of Mexico that is untapped that I believe we ought to consider for additional production. Senator CRAIG and I have worked on that.

The amendment is filed. It is likely we will not call it up for consideration because we do not have the capability to get that enacted in the Senate. Everything has a maturity date, and this is short of that date. But because the Senator from Idaho came on the floor, I wanted to mention that important issue.

Energy legislation that works for this country is balanced legislation which balances a range of issues.

I am happy to yield to the Senator.

Mr. CRAIG. I thank the Senator for yielding. I appreciate the filing of that amendment.

What Americans are frustrated by—and I think the Senator realizes that—is the lack of balance. He and I have said that. We can conserve and we can change and we can adjust and we can adapt, but we also have to produce, and that brings the balance. I think what you and I did very early this year helped drive the debate that is on the floor now, when we looked at biofuels and efficiencies and production in the SAFE Act and began to argue and articulate those points of view. I thank the Senator for filing that amendment because that completes a very necessary package that brings us to the reality of what Americans want from their energy portfolio.

Mr. DORGAN. Mr. President, let me thank my colleague. I have been pleased to work with him. Both of us have been putting together a piece of legislation we introduced earlier this year. We believe there needs to be some significant balance. We support conservation. We support efficiency and additional production, all with appropriate safeguards and restrictions.

Finally, the amendment offered by Senator BINGAMAN, I believe Senator BINGAMAN and Senator DOMENICI, the chairman and ranking member of the Energy Committee, have done a good job in bringing a bill to the floor that allows us early on this year, in June, to debate an energy policy so we can get something through the Congress. This is a good bill. It is not the best bill, necessarily, but it is an awfully good bill. I commend their work. I believe we will lose something important if we get involved in this debate about the Bingaman amendment, the 15-percent RPS, and we decide we can't move in that direction.

There is a Cherokee Indian chief who once said: The success of a rain dance

depends a lot on the timing. Timing is everything. That is especially true in a public policy debate. We have been at this for a long while talking about a requirement, a mandate that a certain portion of what we produce for electricity come from renewables. The only way we are going to get there is to pass legislation to do it. Senator BINGAMAN proposes—and I support, as do others—a 15-percent requirement. It adds to the bill. It creates an important public policy change that will add to this bill in a way that tells the American people: We are about constructive change for energy security. I hope very much we can pass this amendment.

People need to understand, while Senator DOMENICI has offered his as a second degree, some of what he is trying to do makes a lot of sense to me and is being done in other venues and should be done in other circumstances and can be done exclusive of the Bingaman amendment. What he aspires to do and what I support, in many cases, ought not be done at the expense of obliterating the 15-percent RPS that Senator BINGAMAN and I and others are trying to get done. I hope we can move on at some point, have an up-or-down vote on the Bingaman amendment, and add something in policy to this energy bill that all of us will be proud of in the future.

There are many utilities moving in this direction, probably not quite this aggressively, but they are moving in this direction because they too believe this is essentially good public policy. My hope is the Bingaman amendment will be approved by the Senate, perhaps today, and all of us will believe we have significantly strengthened the Energy bill we are considering today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the debate that has had the Senate occupied for the last several days is a fundamentally very important debate, for not only this Senate but certainly for the American people. There are a variety of things that have grasped the attention of the American consumer at this moment. Obviously immigration has been one, and we have been aggressively involved in that in the Senate the last month. The other thing happens weekly, when that consumer goes to the gas pump and pulls his or her car up and fills it. All of a sudden, they pay a \$45 or a \$50 or a \$60 or a \$70 fuel bill. They say: My goodness, how am I going to readjust my family budget to fit these kinds of needs?

The broad bill we have before us is in part attempting to address that issue. There is no question about that. We are working very hard to get this country back into the business of production but in a diversified way. That is important. We should not be held hostage by foreign energy suppliers. Yet over the years we have drifted into that environment for a lot of reasons, some of them of our own doing, because we constantly restricted our own ability to

produce and we have set standards that make it much more expensive to produce. Some of that production has gone offshore. But we have also grown, and we demand more. We have larger cars, and that is our choice in the marketplace.

At the same time the American consumer is being hit by pump shock today, or nozzle shock, whatever you want to call it, in the reality of what we are about.

On the electricity side of the issue—because that is a bit more subtle, because that bill doesn't happen every day or every other day or twice a week at the pump by the digits rolling in the pump to show you what it is going to cost you—it comes once a month in a power bill or it may even be automatically deducted from your checking account. The subtlety of energy costs from the electrical side are less, but they are still very real. In creating an abundant electrical market, we ought to be extremely careful that we don't limit it in a way that continually drives up the cost of electrical production.

We have said, and we are continuing to say, the old concepts of electrical production are largely out or at least they aren't as clean as we want them to be. Because in the context of this whole energy debate, several years ago entered the concern about climate change, therefore, the emission of greenhouse gases that some believe are a major contributor to the warming of our globe. That is in dispute. I believe it is legitimately in dispute as to what or how or in what volume greenhouse gases play to climate change and warming, but the reality is, Americans say today: It has to be clean, or you shouldn't produce it. So we are now on the floor debating, if you will, cleanliness. Some years ago we started talking about that and we said: Well, the only way, 10 or 12 years ago, you could get clean into your electrical production was wind and solar.

In the Clinton years, because of the environmental movement and the power they had over that administration, they no longer said hydro is allowed to be considered a renewable or a clean fuel. It is an anomaly of the past, and it dams up rivers and changes the ecosystems of aquacultures. We can't go there anymore. So they pulled hydro out of the mix and out of the blend. As a result, it doesn't get fitted into the environment of a renewable portfolio standard of the kind we are debating today.

What evolved out of a 1990s debate to today is a standard we call RPS the Senator from New Mexico has introduced, and it is largely a wind standard. Yes, it includes biofuels, but it is dominantly driven by wind today. It creates a unique niche in the electrical market for wind, and it subsidizes wind. It requires that to meet the standard, you pretty much have to go wind.

I have not disagreed in total with it in the past, although I have opposed it

because I think it is an arbitrary act on the part of Government to distort the marketplace. But at the same time there is no question, through tax subsidy, a tax credit, that we have, in fact, driven the marketplace toward wind. That was then. What is now?

The world has changed since the mid-1990s, since the concept of RPS. But we are still here having a 1990s debate when we ought to be having a 2010 and a 2020 debate. That debate is not all about renewable and all about wind. It is partially about it, but it is not all about it. Today it is about wind, biomass, biofuels in a lot of forms, nuclear—clean, nonemitting sources. It is about new hydro efficiencies. We are learning very rapidly that efficiencies in the marketplace can create quantum leaps in savings and, therefore, less growth rate in demand of production.

All of those ought to be a part of a test today, if we are going to establish national policy. If we are going to demand certain levels of performance out of the production side of our utility industry, our electrical industry, then we ought to be balanced. We ought to be broader and, most importantly, we ought to use a new, modern definition, a new, modern screen, a measurement. I don't think it is RPS anymore. I think it is clean.

Having said all of that, if RPS survives this debate, here is what is going to happen. It is going to be a very expensive trip for the consumer and the taxpayer. If RPS survives and we don't move to a newer standard and we put into place the kinds of demands that take us to a 15-percent requirement and then we turn to the Finance Committee, I believe Senator BAUCUS and Senator GRASSLEY—and we will debate that as it relates to wind energy and a tax credit on a 1, 3, 5, sometimes 10 years, someday probably a 10-year involvement—what will it cost? It is estimated it could cost \$3 billion, \$5 billion, \$10 billion, \$15 billion, in a direct Government subsidy, a tax credit, to produce the RPS requirement that is being proposed.

Fairness is fair. A CPS requirement will cost some money. We are having it costed out today. We don't believe it will be anywhere near as dramatic, because it will be spread amongst a much broader portfolio than the narrowest of an RPS. Is this an expensive process? You bet it is. When you enter a new technology into the market that isn't as efficient or competitive, you subsidize it.

That is what we are doing with wind today. But we are creating a new uniqueness. We are saying: OK, here is a market niche for your wind. We are going to give you some of the market. Then we are going to give you tax credits and benefits to get into the market because we want you producing wind. So we are creating a very unique market niche, and we are saying to all the utilities: You have to meet it.

Well, 23 States are already out in front of us. They have some form of

RPS or renewable portfolio standard. Some of them are higher than the Bingaman standard, some of them are lower. But there is a movement out there, and there ought to be flexibility in that movement, instead of the rigidity that is the reality of the current RPS. That is what we offer in a CPS or a clean portfolio standard—broaden the base, get modern, let's do not keep regurgitating the past.

I am always amazed that once one group—any group, any interest group—locks on to an idea they can capture the mind with, and they ride that idea for decades, sometimes when it no longer fits the technology of the day or the demands of the marketplace. I believe RPS is that idea that got locked on to in the mid-1990s that no longer fits the marketplace today. I do believe CPS fits the climate change concern, fits the regional disparity as a result of the geography of our country, where there is wind and no wind. I tell some of my southern Senator friends there is a lot of hot air in the South but there is not any wind. Well, there is not any wind in the South. So they have to go out and buy it.

You have utilities in Florida buying wind farms out in the Midwest. Is that somehow going to make Florida cleaner? Why don't we give Florida the opportunity to build clean energy right in Florida, instead of buying something out in the Midwest to offset? It is a strange thing. It is kind of like: Well, we believe in a very green standard. You are going to have to buy your way in if you cannot produce your way in.

I disagree with that. I think you ought to be able to produce your way in. I do not mind clean standards, but I do not think you ought to disadvantage certain regions of the country by the standard you are requiring. CPS changes that. It says we are requiring a cleaner standard in new production. You can do it through wind, as the Senator from New Mexico is proposing; you can do it through biomass; you can do it through new nuclear; you can do it through new hydro; You can do it through new efficiencies. If someday—and I believe it will—coal to liquids comes on line, you can do it through carbon sequestration or, ultimately, we may be able to retrofit our existing coal-fired generation facilities in a way to capture that carbon and sequester it. If we can, shouldn't they get credit for it? Shouldn't there be some benefit for cleaning up the air, instead of letting that remain dirty, but you buy your way out of it by going somewhere else to buy something that is clean?

That is an interesting concept, but that is the concept if you do not identify with the marketplace and you do not identify with the regions and the capability of the regions and the uniqueness of our country today. That is why Southern Senators are frustrated at this moment, because the amendment on RPS says you cannot do it by what we say so you have to go somewhere else and buy it.

Let's make the standard uniform. Let's make it fit all parties. Let's allow it to reflect the diversity of the countryside and the resource that is available in the countryside. We think that is possible. We think if you do it, it is less expensive than the RPS that is currently being proposed.

Here is what I am suggesting to those who are a little concerned about budget exposure because we have not seen what the Finance Committee will do. But if the Finance Committee brings about the tax credits that we think for a 1-, a 3-, and a 5- and someday a 10-year reality, that cost could be \$3 billion, \$5 billion, \$10 billion, \$15 billion. Current law is here. Future law could well be here based on what we think the Finance Committee will offer. So we create the marketplace niche today for wind, and tomorrow we finance it. It is a very expensive proposition.

I have wind farms coming up in Idaho, and I am glad they are there, and they are going to blend and be a part of our overall economy. I am all for wind, but I am not just for wind. Again, it is a concept whose day has matured. It is an idea that now fits well beyond the 1990s into the year 2000 and beyond, as new concepts come on board.

In other words, let's get modern. Let's build a policy for the future. Let's don't simply react to the past because the interest groups of the past are still here driving it. Let's think beyond that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before the Senator from Idaho leaves the floor, I wish to make a short statement and then pose a question to him so I am sure we are understanding things correctly.

My short statement is that the Energy Information Administration has made it clear they see the main beneficiaries of the renewable portfolio standard proposal I have put forward—not as wind—they see the increase in wind capacity at 50 percent, but they say biomass will increase 300 percent. Beyond that, they recognize biomass currently produces more electricity—about twice as much electricity—as does wind. So they see a dramatic increase in biomass, which the Southeast part of the country has a great deal of. They also project a 500-percent increase in electricity production from solar power.

But to the point the chart makes that the Senator from Idaho has in the Chamber, first of all, there are two ways—Mr. President, this is in preface to a question I am going to pose to the Senator from Idaho. There are two ways we are trying to stimulate more use of renewable energy and more production of renewable energy. One is through the Tax Code. As he points out, there are various tax credits—the production tax credit, the investment tax credit for various kinds of renew-

able energy. The other is through what I have proposed here, which is the renewable portfolio standard, which is a requirement that utilities produce power from these sources.

Now, if we just do the tax provisions, and do not do the renewable portfolio standard, then that is what is indicated on the bottom line of the chart, as I understand it. You get the substantial increase in budget impacts—that the red line reflects—if you do both, if you do the tax provisions and you also do the renewable portfolio standard because the renewable portfolio standard will ensure that more people qualify for the tax credits because you are going to be producing more electricity from solar, you are going to be producing more electricity from wind, you are going to be producing more electricity from biomass. Every time you do, it costs the Federal Treasury because that new energy is eligible for these tax credits.

Am I understanding correctly that is why the budget impact is reflected as it is there?

Mr. CRAIG. Mr. President, that is my understanding, I say to the Senator, if there is a renewal of the tax credit based on what we think Finance will do. Here is the problem—

Mr. BINGAMAN. Mr. President, let me ask another question. Does the chart the Senator from Idaho has on the floor assume there is a renewal of the tax credit or that the tax credit expires?

Mr. CRAIG. It assumes there is a renewal of it. Because what you do, what you know you are doing, if your policy becomes law—there is no opt out at this point—you drive the entire national utility marketplace to a standard. By driving them there, you give them this opportunity, and it is a U.S. tax opportunity. There is no question that is the tax credit. You must go here. And when you go there, you can identify with the tax credit under the assumption—and that is fair—the Finance Committee is going to come forth with it. And we have every reason to believe they will.

That is what drives it. The reason it does is because, if you do not, you put the industry in a very precarious situation. Wind today does not pay its way. It is still on the margin. Based on its productivity in certain wind patterns, it has to be subsidized to fit into the market. How you subsidize it is through the credit, or you are simply saying you are going to do something you cannot afford to do, so you are going to have to go right to the rate-payers and charge them a much higher price than you otherwise would with the credit to come into compliance with the RPS.

Yes. So that is the appropriate assumption of this chart.

Mr. BINGAMAN. Mr. President, let me ask one other line of questioning to the Senator, and I appreciate his answer.

The Domenici proposal, which is the alternative the Senator from Idaho is

advocating for, as I understand it—not only as it has been described by the Senator from Idaho but by my colleague from New Mexico and others—not only would encourage utilities to produce more power from the sources I have identified—the renewable sources, traditional renewable sources of solar, wind, biomass, geothermal, tidal and all—but it also says we want to encourage more production of nuclear power, as I understand it.

Mr. CRAIG. And new hydro, where it fits, and efficiencies and sequestration, yes.

Mr. BINGAMAN. Would the Senator from Idaho agree with me that to the extent that amendment is successful in doing that, in encouraging all of that additional nuclear power, nuclear generation, and all, that also is going to cost the Treasury, and that is also going to drive up what is indicated on the chart?

I notice there is no line on the Senator's chart to represent what the fiscal impact on the budget would be from the Domenici proposal. But my assumption is, it would be at least as expensive to the Federal budget as mine would be, or else if it would not be as expensive that is because the Domenici amendment would not be as effective in promoting development of these sources; am I correct?

Mr. CRAIG. Mr. President, I say to the Senator, you are correct to assume a CPS standard would have a budgetary impact as much as an RPS standard. The RPS standard—as I have said, it is a bit old school, so it is considerably more measurable, and you are forcing production into a narrower slot in the marketplace—wind and bio—whereas we are broadening the slot dramatically.

Yes, there are some of those new nuclear plants, as you know, as it relates to the Energy Policy Act of 2005 that are going to have some tax benefits. The first certain numbers are. Sequestration, more than likely—to encourage it, and to make it reasonable in the marketplace—is going to have some tax consequence. We promote efficiency in the marketplace through that. But in all fairness to the Senator, it is not yet a measurable item. Those who are looking at it now say it is probably spread and less costly, but it is also more than just a cost item.

As I said, if you take a Florida utility that meets the standards by buying wind in the Midwest, it does nothing for the airshed in Florida; whereas, a CPS says you can build clean in Florida and benefit the airshed of Florida. I think there is the other side of that value.

Lastly, if I could react, and the Senator would allow me to, I am all for biofuels. But driving the biofuel market under the current technology—I am surprised some environmentalists are not reacting because it is not a totally clean emitting technology. We are all for it because it is renewable. I am for it because it helps us clean up

the forest floors and do a lot of other things that are the right things to do out there. But we also know when you burn it—and you are burning it—you have carbons, and that is escaping to some degree.

So driving it is the right thing but giving clean options is also the right thing. That is what CPS does.

Thank you.

Mr. BINGAMAN. Mr. President, I see my colleague from Georgia is in the Chamber wishing to speak on the bill. I will defer to him, and we will come back for additional debate in the coming hour.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank both distinguished Senators from New Mexico.

I rise for a few minutes to talk about this bill and the renewable portfolio standards and the effects on my State of Georgia.

I associate myself with the remarks of the distinguished Senator from Idaho. I did not hear them all, but I heard the narrow stovepipe versus the broad approach, and that is one of the things I want to talk about because we have a diverse country with many assets that regionally are very different. If we are going to have renewable portfolio standards that call on us to find renewable energy to reduce our dependence on foreign oil, we have to exploit and promote all those sources, not narrow those sources.

I also wish to quote from our prayer this morning from Pastor Sturdivant. Pastor Sturdivant called on all of us during this process of legislation, prayed for us to have patience. I do think we all need to have patience when dealing with this bill because I wish to tell my colleagues what the effect of the renewable portfolio standards are on the State of Georgia. We don't have the wind to meet the standards; we don't have it. The tax that would in turn be imposed on these utilities, all regulated, thus ultimately paid by the taxpayer, would be the following: On electric membership cooperatives it would be a half a billion dollars between now and 2020, and on Southern Company, it would be \$7.6 billion.

Now, I know the bill attempts to exempt electric membership cooperatives, but when you analyze the bill, 7 of Georgia's 42 cooperatives would be included. Those 7 cooperatives produce 50 percent of all the energy generated by cooperative services in Georgia. So, therefore, because of the way it is worded in its current form, and as I understand the Bingaman amendment, 10 States, mine being one of them, would be in a position of not being able to meet the standard because of nothing beyond their control and would have an imposition of taxation that ultimately goes to our ratepayers, both to either the Southern Company or the electric membership cooperatives who are not exempt, to the tune of almost a total cumulatively of \$8 billion.

Now, one of the things this bill talks about at its outset: It says this is to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy sources. I wish to talk for a minute about a clean, renewable, alternative energy source that we know exists, that we are currently utilizing, and that for some reason, we continue to stay away from reenergizing, and that is nuclear energy. We had great testimony by Vice President Gore before the EPW Committee earlier this year, and each of us on the committee got to ask the distinguished Vice President a question—or more questions—5 minutes' worth of questions. When it came to be my time, I asked the Vice President, accepting that every factor in the global warming argument is correct, how can we not seek to reenergize the nuclear energy in this country to help meet that demand of lessening carbon, having renewable sources of energy that are safe, efficient, and inexpensive? That is the question I pose today: How do we look toward meeting the challenges of removing or lessening our dependence on foreign petroleum, and yet not get back in the business of building nuclear powerplants? It is something I think is essential for us to do, and an energy bill that does not include it as a renewable source of energy is missing the boat.

My State of Georgia has nuclear powerplants. When I was in the State legislature, we were building plans for them. The Southern Company wants to get licensing to put another reactor on Vogtle to expand its capacity. In talking about nuclear energy, most of the fears that resulted in the 1970s, although well-founded because of Chernobyl, have, in fact, proven American technology to be superior. The Three Mile Island accident that happened in the 1970s was a tragic accident, but it proved the redundant fail-safe mechanism of the Nuclear Regulatory Commission standards in the building of nuclear powerplants. That was technology of the 1970s and late 1960s. Today we have the knowledge we have gained from over 30 more years of the use, development, and understanding of nuclear power.

Today, we power our nuclear aircraft carriers, such as the Eisenhower returning from the Persian Gulf, on nuclear energy. In Georgia, the Trident submarines, where our sailors, at close quarters for months on end under the sea, live comfortably and with a nuclear reactor. Why is it, when we have petroleum prices running through the roof, when we want to sequester carbon and reduce its input, do we still look the other way on a source of energy that is reliable, that is safe, that is inexpensive, and that now we know its byproducts are recyclable for further use? This brings me to a second point.

Four Senators in this body, the two Senators from South Carolina and the two Senators from Georgia, along with the Governors of both of those States

and the mayors and city councils of the City of Aiken, SC, and Augusta, GA, have gone to the Department of Energy and said: Why not take the Savannah River plant, which for years manufactured the warheads for our nuclear weapons, and turn it into a mock facility to recycle spent nuclear material back into productive energy-generating nuclear material. So you have two States volunteering to recycle. You have a process that allows it to become renewable. You have a Federal investment already at a site that has been used for years. These are the types of creative things we need to do as we pursue reducing our dependence on foreign oil.

Nuclear energy will not do it all. Wind cannot do it all. Solar cannot do it all. Hydro cannot do it all, and biomass cannot do it all. But collectively, together, operating as a team, incentivizing by the laws we pass, we have a chance to do exactly what the title of this bill portends.

I wish to associate myself entirely with the remarks of the Senator from Tennessee yesterday afternoon, Senator ALEXANDER, who so eloquently expressed the punitive nature of the RPS standards in the Bingaman proposal as far as his State of Tennessee and my State of Georgia. I also associate myself with what Senator CRAIG from Idaho said. If we are going to seek alternatives, let's seek them all. Let's seek safety. Let's encourage them through tax policy, and let's reduce our dependence, but let's not make the reduction approach so narrow we penalize some and reward others.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am glad our country continues to focus on what we can do better to produce energy for electricity, fuel for our automobiles, and the like, in a way that is friendly to our environment and promotes our national security because in many situations, we are far too dependent on nations that are not friendly and are hostile, actually. Huge amounts of our wealth each year, particularly for the fuel that goes into our automobiles, is transferred to nations, such as Venezuela. It has made them very rich in the short term, and as a result, as Tom Friedman, a writer, said: The richer they get, the worse they behave. So we need to reduce the amount of America's wealth being transferred abroad.

With regard to electric power, almost all of that power is generated domestically with our own energy sources and by our own American people. It is not

as significant for us in the economic and national security area as is automobile gasoline, 60 percent of which is imported. That is why I think when it comes to choices, we need to emphasize automobile fuels and what we can do to reduce our dependence and improve efficiencies.

I have been pleased to serve with Chairman BINGAMAN on the Energy Committee. I just joined that committee. He is a man of intelligence and decency and commitment to doing right. We have had quite a number of hearings. We have not gone into this issue lightly. I am, however, reluctantly compelled to oppose his renewable portfolio standard amendment and would like to share a few thoughts about it.

First, the overall estimate is that in areas of the country that do not have the natural conditions that allow us to expand renewable energy sources there will be huge costs that will be borne. It seems that some like to suggest those costs will fall on the utilities. Nobody likes utilities because they send us a bill every month. We tend to forget they send us electricity every month also. But they send us a bill every month, and if we don't pay it, they will shut off our electricity. It is not a very pleasant thing to hear from your utility. But utilities throughout America are regulated utilities. What they charge has to be approved by public service commissions or commissions of a like nature.

We have a public service commission in Alabama. Those public service commissions monitor their profits and monitor their charges for electricity and disapprove many times requests for rate increases.

There is a principle that each and every one of our Senators need not forget; and that is, if areas that don't have the capacity to generate electricity with renewables have to pay the penalties and have to pay for other ways to get electricity, that cost, which some have estimated to be \$100 billion to \$200 billion annually, is the equivalent of this Congress taxing the people in those areas of the country \$100 billion to \$200 billion and directing it to be spent in this fashion whether or not it is the best way to protect our environment.

In an economic sense and in a true sense, we are saying we are not going to tax the people in the country to fund these programs. We are just going to pass a mandate, and we are going to mandate it on these businesses. And if they cannot meet it, then we are going to require them to pay a penalty. We didn't tax them, we are not taxing anybody, and we are going on about our business and we are going to move us to a more renewable portfolio—a good goal, you see.

But if you step back and look at this, it is the equivalent of taxing the people hundreds of billions of dollars, and that tax will be passed on to consumers of electricity. Already their gasoline

prices have gone up dramatically, and now we are seeing some rise in electricity rates, and this is going to be passed on. There is no free lunch. It will be passed on, and the people to whom it is going to be passed on to the most are the people in my State because our wind resources will not work.

Wind in some areas of this country will work. It really will. It can be virtually competitive with other sources of electricity, and that is nice; although in areas that are fairly congested with people, people don't like all these wind turbines. But out West, in some areas, I assume there is still potential to expand wind, and I am for that. I just don't like to see us require wind turbines where it is not going to work, or solar panels where it won't work.

In my home State of Alabama, one would think we have a good bit of sunshine, but in truth, we have a lot of clouds, and solar is not effective in our area. It is not effective anywhere really. It is much more expensive than any other form of generating electricity and least effective in the Northeast. Even in the Southeast, because of our thunderstorms and our long periods in which we have cloudy weather, it is an unpredictable source of electricity, and it is very expensive anyway. It will be a great expense.

I share with my colleagues a letter from the Southeastern Association of Regulatory Utility Commissions. These are the people who, for the most part, are elected by their constituents. They represent the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. They are very much opposed to this amendment, not because they are not for renewables, not because they want to defend some utility, but because they know if this amendment is adopted, rates are going to go up on their constituents and with nothing to show for it.

This is their May 31 letter, just a few weeks ago, to the leadership in this body and the House. They say:

... to express our concerns about the nationwide, mandatory federal renewable portfolio standard being discussed/introduced by Senator BINGAMAN. As state regulators, we are responsible for ensuring that retail electricity consumers receive affordable, reliable electric service. We are concerned that a uniform, federal RPS mandate fails to recognize adequately that there are significant differences among the states in terms of available and cost-effective renewable energy resources and that having such a standard in energy legislation will ultimately increase consumers' electricity bills.

Then they go on to note, quote:

The reality is that not all States are fortunate enough to have abundant traditional renewable energy resources, such as wind, or have them located close enough to the load to render them cost effective. This is especially true in the southeast and large parts of the Midwest.

They go on to say, quote:

Our retail electricity customers will end up paying higher electricity prices, with nothing to show for it.

With nothing to show for it.

So the letter goes on, and they say, quote:

While State public service commissions and energy service providers should certainly consider available and cost-effective renewable energy resource options as they make long-term decisions for incremental energy needs, the imposition of a strict Federal RPS mandate, as contrasted with a State-driven cost-effectiveness determination, will only result in higher electric prices for our consumers.

So that is the fundamental concern.

The goal of how we can go about this is complicated. I think we can make progress toward more renewable energy sources, but I don't see how we can omit nuclear power as a major player in this as the source of tremendous amounts of electricity with no adverse emissions into the atmosphere. How we could be ignoring that is difficult for me to understand, I would say to my colleagues.

My goal is pretty simple, in how I analyze legislation. First, I believe we ought to consider our national security. How does it help us remain independent? Does it impact our economy adversely? A healthy, growing economy is good for this country. I certainly think we should not and must not have a goal of raising energy costs, whether it is gasoline at the pump or electricity on the monthly bill. Raising those prices cannot be our goal. It can only make us less competitive in this competitive global marketplace.

Our goal cannot be to raise prices, but I will tell you that it is a secret, unstated goal of many of the people who are driving some of this legislation. They think if they can drive up the price of gasoline, if they can drive up the price of electricity, the average person won't use so much of it because they do not have enough money to pay for it.

Well, that is not good. Our goal as a nation should be to have safe, clean, reliable energy available at a cost as low as possible as part of living a healthy, productive life. Electricity in nations that have it readily available compared to countries where it is not available have twice the lifespan. You have twice the lifespan if electricity is readily available in your country as you do if you don't. It is a tragedy to see countries struggle so badly. So it is a blessing for us. Energy is not something bad. It is a fabulous blessing to our Nation to have it as readily available as we do, and we need to keep that cost down.

The proposal requires all distribution utilities that sell more than 4 million megawatt hours a year to meet targeted levels beginning in 2010. The RPS standard in this amendment requires each such utility to have 15 percent of its load in renewables, and renewables are only solar, wind, geothermal—there is no geothermal out East, either; there is no ocean capability in our area of the country—biomass—some small possibility but nothing like this area—

landfill gas—which is only incremental—and the like. It does not include nuclear or hydro, which is so important.

The Domenici substitute would require 20 percent by 2020, but it would allow for new nuclear and incremental nuclear, new hydropower, and certain efficiency measures to qualify. Even then, I am afraid we cannot reach that number.

According to the Energy Information Administration, current nonhydroelectric renewables only account for 2.3 percent of total generation in the United States. To get to 15 percent of all electricity from this source would require us to increase that production over six times. That is a lot—over six times the current rate. So under these standards, as they are written today, according to the Tennessee Valley Authority, according to the Southern Company and other companies that are in our area of the country, they say there is only one way, one thing they can do, and that is to pay the Department of Energy the two-cents-per-kilowatt-hour penalty to meet these targets.

Let me tell you, two cents per kilowatt-hour is a big deal. Huntsville Utilities in Huntsville, AL, a progressive utility run by the city, a board appointed through the city, states that the Bingaman RPS and even the Domenici CPS would cost them \$4.2 million in 2010. This is just the city of Huntsville—\$4.2 million; \$8.8 million in 2013; \$14.1 million in 2017; and \$19.8 million in just 1 year—2020. That is a lot of money on a city—\$19 million a year, \$4 million a year. They are trying to manage their budgets carefully.

The Tennessee Valley Authority, the governmental entity Franklin Roosevelt started back many years ago, the conservative TVA—this is a quasi-government agency—estimates that systemwide it would cost an additional \$70 million to comply with the 3.75-percent RPS requirement in 2011 and \$410 million to meet the full 15 percent requirement in 2020. That is \$400 million for the TVA system per year. That is a lot of money.

I think Senator ALEXANDER had raised some points: Well, what if you used all that money—the \$100 billion, \$200 billion—how could you use it if you just applied it in some rational way to include renewables and reduce our dependence on foreign oil and keep the cost of energy at a good level and encourage research and development? Man, you could put scrubbers on every coal plant in the country. You could build nuclear plants in large numbers. We could do lots of things. So this is a cost we are imposing, but the movement it will accrue in the direction we want to go is not great. The Association of Regulatory Utility Commissioners said, quote, “There will be nothing to show for it.”

That is the problem I have. I want to move in this direction. I would like to see us use more biofuels, and I believe

there is a potential for that. That is the only thing that seems to be viable in my area of the country, is expanded use of biofuels. But this is really such a huge step that I don't think there is any way it can be met except by paying penalties or a tax. Also, the way this thing works is the money may very well end up just going to the Government in the form of compliance payments or a penalty or a tax, maybe as much as \$100 billion.

I really am excited about the leadership Senator BINGAMAN and Senator DOMENICI have given to the Energy Committee. We have had lots of hearings with some of the world's best experts on energy. We all share a view that if we develop a good energy policy, we can improve our environment, we can strengthen our national security, we can improve our economy, and the like. Any change that can actually reduce our consumption of energy and actually pay for itself over a period of time is a step we clearly should take. But when you are taking steps that are likely to cost far more than the benefit you receive, you have to be very cautious.

Remember, we are not spending Federal taxpayers' money and, therefore, creating a cost. We are passing a law which mandates that the citizens around the country, particularly in areas that don't have readily renewable power, will have to pay more for their electricity to meet this standard. And they are going to have to pay a lot more. The cost is going to be very significant, and the question is, Would that cost have been better spent in other areas? I suggest that it would. Some people have already made some suggestions about how we could spend that money better.

I thank my colleagues for giving me a few moments to talk about this amendment. I am sorry I could not be in agreement with it. The goal is worthy. My analysis of it is the burden will fall disproportionately on constituents in my area of the country, particularly in my State, and therefore I must oppose it. I think we can do better in how to achieve this goal.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, just to advise folks of what I believe the course is going to be here in the next few minutes, Senator CANTWELL from Washington is waiting to speak. She is going to speak for up to 10 minutes or something in that range; Senator CORKER is here from Tennessee, and he wishes to speak for a relatively short period also; and then, as I have indicated to Senator DOMENICI, it will be my intent at that point to move to table his amendment.

So that is my expectation of how we will proceed. I am not asking for any consent to do that, but I wanted to advise Senators.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to speak in support of what is the

Bingaman amendment, to make sure we diversify our national energy supply by investing in 15 percent renewables, and against the Domenici amendment, which the chairman of the Energy Committee, the Senator from New Mexico, just mentioned he is going to make a motion to table pretty soon. I agree to tabling that amendment.

Let me say that I have listened to a lot of the debate on renewables and what we need to do, and I have heard a lot of people talk about wind out here and a lot of people talk about solar. I look at this a little differently. I really think this debate is all about natural gas.

I say it is about natural gas because I listen to the farmers in Washington State and throughout America about the high price of natural gas. I hear how much the price of natural gas is going up. The issue is that natural gas is used both for our electricity grid and it is used as a product to make a solid for fertilizer that farmers need, and the price is going up. It has gone anywhere from what historically used to be \$2, to \$7 or \$8, and in some cases we have seen it go as high as \$14 or \$15.

What I am saying is that we are having competition for natural gas between our electricity grids and our farmers. The future of natural gas is only going to increase. It is only going to increase. That leaves us with one choice; that is, to diversify off of natural gas for our electricity grid. How do we diversify off natural gas for our electricity grid? We start planning for renewables.

I know there are many utilities wandering the Halls of Congress trying to lobby against this particular provision of the United States setting a goal of focusing on renewable energy. I would say to them: Go look at how the U.S. economy is being impacted because we are already dependent on coal, already dependent on nuclear power, and already dependent on this natural gas that is continuing to rise at steady levels and is going to impact our agricultural economy.

In fact, 15 years ago, only 10 percent of our U.S. nitrogen, a fertilizer product, was imported. Today about half of it is imported. We have seen many of these businesses, over 21 of them in the United States, shut down because of these high costs. What we need to do is push to give alternative fuel; that is, alternative sources of electricity generation, an opportunity to be used in America. The best way for us to do that is to set this mandate in Federal policy so we can protect consumers from the high cost of natural gas in the future.

To do nothing is to say that farmers are going to have to pay more or maybe go out of business or their products are going to be too expensive for international markets or say to consumers: You are going to pay more for your electricity because natural gas prices are going to rise or we can say to consumers instead: We took active

measures to diversify our electricity supply and to start using other renewables that will help in getting off the high cost of natural gas.

To my colleagues who come to the floor and say alternative fuels are going to cost more, doing nothing is going to cost more, and depending on the current infrastructure is going to cost more because we already know those supplies are going to go up. Let's take the use of natural gas down by creating other alternatives.

I happen to believe that creating those other alternatives actually will save consumers. I know people have mentioned how the Union of Concerned Scientists say it will basically generate \$16.7 billion because of what it will generate in new economic activity, by using alternative fuels. I do applaud the former chairman of the Energy Committee, the other Senator from New Mexico, Mr. DOMENICI, because he did get the ball rolling with the last Energy bill, getting us focused on incentives for renewable energy. My State probably has taken more advantage of that than just about any other State in the variety of products that we are producing. We now have, in some of the communities of our State, the alternative generation community—whether it is wind or solar or alternative fuels. They are actually out there producing large quantities of cheaper electricity for the grid, and they are also becoming some of the largest employers in some of our rural communities. From an economic development perspective, it is working. In fact, one analysis on a national level says the clean energy strategy could generate as much as \$700 billion in economic activity and create 5 million new jobs.

That is not just on this particular Binghaman amendment proposal but the whole package, of which this is a symbol of the kinds of activities that could be done with our electricity grid.

Let me say something about other sources because we keep hearing, again, about wind and solar. This is a lot about biomass. I am a big believer that we are going to see a lot of biomass generation across this country—whether you are talking about switch grass or whether you are talking about using waste to supply new electricity.

Two major industries just came by my office—one a big timber interest and another a big existing oil company—talking about how they are going to diversify in Southern States on biomass. I know of many investments in the southern parts of our country in biomass, so I expect to see a lot of jobs created in the southern region of the United States from biomass. We have to push forward in saying we as a nation want to see a percentage of our electricity grid from that biomass—not just solar, not just wind, but from that biomass. To me, this is a great opportunity to do that.

One cost that no one is talking about, because no one has put a price

on it, is the future cost of continuing to rely, with our electricity grid, on CO₂ emittance and the cost to our environment of relying on coal and some of our other generation sources in this issue. I know my colleagues are working on what we think the cost of that will be to future generations. But what is clear when you look at this debate is that part of our clean energy policy, when the electricity grid diversifies off of the more expensive products that we know are going to go up, like natural gas, it creates more jobs in the short term and diversifies our portfolio, driving down the demand for natural gas and helping us on supply. It also helps us with that hidden cost that we all are actually paying in the pollution of our current electricity grid. It is helping individual regional economies grow.

I think the chairman of the Energy Committee, Senator BINGAMAN, has put forth a great proposal on 15 percent. Let's make sure we take this stance so we let Americans know we don't think the existing energy stream is what we are going to saddle them with for the future. The American people believe alternative fuel can help us off of this dependence we have right now on fossil fuel, and they believe its development will be cheaper, cleaner, and more efficient for us in the future. But we have to show them the Senate gets it and understands and is willing to set that goal into Federal statute.

I hope the President will also join in this effort because the President, as Governor of Texas, implemented a similar mandate in Texas. I think it worked very well for them so I hope he will lend his support; come up to the Hill and encourage people that the high cost of natural gas on our farmers, on our businesses, is something we are not going to tolerate, its continuing to rise is something we are not going to tolerate. We are going to diversify off of that, protect consumers, and give them alternative fuel sources to supply our electricity grid.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I rise today to speak in strong support of the Domenici amendment. I want to say as I begin my comments I think we are extremely blessed in this Senate to have the two very distinguished Senators from New Mexico, two Senators I respect greatly and have advanced the energy agenda in our country in a very beneficial way.

While I speak against the Binghaman amendment, I do so with tremendous respect for his leadership on our committee. I look forward to working with him on many future endeavors. However, today, I must say I am in strong opposition to that amendment. I have just come to the Senate 5 months and 2 weeks ago. One of the things the American people see in the Senate is the tendency to want to create one-size-fits-all programs and not take into account the various differences that

exist around our country. That happens in so many programs we put in place here in Washington. People back home do not understand how we can be so shortsighted as to try to put in place one-size-fits-all programs.

I think it is admirable that we are moving toward renewables. I am very proud to be focused heavily on that in our Energy Committee and very supportive of the base bill, with some amendments, that is before us today. But this is nothing more than a tax, a tax on Southeast United States, a tax where basically it is a transference of wealth from Southeast America to other parts where wind and solar take place.

To me, a much more sensible approach is to say we do want to use clean technologies, as the Domenici amendment does. We want to use clean technologies, but we want to let the market do that. We want to include technologies like nuclear. Many utilities around the country have invested heavily in nuclear. We are finding even better ways to process the unutilized fuel that is left. To me, what we ought to be doing is setting a standard that allows many technologies to be brought into America's energy production so that we are, as the Senator from Washington just mentioned, far less dependent on carbon-emitting fuels, far less dependent on natural gas, which is compromising our ability to compete in other areas, in other industries, because of the high price of natural gas.

I rise today, even though Tennessee is playing a role in wind and solar. We have 500 employees in Memphis, TN, who are making solar technology. I applaud the efforts to promote that technology in America. But I rise to say the Binghaman amendment is a very shortsighted amendment that does create a one-size-fits-all policy that does not take into account the various geographical differences that exist in our country. The Domenici amendment tries to rectify that. I speak today in strong support of that amendment and hope that others in the Senate will realize what we are doing and, hopefully, they will embrace a standard that moves our country ahead while taking into account the various geographic differences that exist.

I yield the floor.

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

Mr. BINGAMAN. Mr. President, let me say a few words about the Domenici amendment, which I will move to table. I know my colleague, Senator DOMENICI, wishes to speak in support of his amendment. I certainly will not make the motion to table until he gets a chance to do that.

Let me say why I think his amendment is a major mistake for the Senate to adopt and why we should table the amendment. The underlying amendment that I offered tries to put in place a requirement that over the next couple of decades we move toward more

electricity in this country being produced from renewable sources. We have a very extensive list of what we are talking about. We are talking about solar energy, wind energy, geothermal energy, biomass, ocean tidal current wave energy, incremental hydropower, landfill gas—those are all what are defined as renewable energy sources, and we are trying to stimulate the production of electricity from those sources.

We have said we have to get to a point by 2020, each utility does, where it is either producing 15 percent of the power that it is selling from those sources or it is buying 15 percent, taking 15 percent of what it is selling from someone else who has produced it from those types of sources or it is buying credits from someone who has produced more than they were required to and therefore has sold them credits or they have made a compliance payment. Those are all ways that utilities can comply.

The Domenici amendment comes along and says three things: First, it purports to say the 15 percent is not the right percentage, it ought to be 20 percent. That sounds encouraging for those of us who like renewable energy. But there is a bit of a sleight of hand in there, and let me explain what that is.

In that amendment they say you take the base amount of electricity that the utility sells and then go back and define what is the base amount of electricity that the utility sells. It is what they sell minus what they are selling that is produced from nuclear. That is 20 percent. So instead of taking 15 percent of 100 percent, which is what my amendment proposes, they are taking 20 percent of the lower amount, which would be 18 percent of the base because 20 percent of our electricity today is produced from nuclear power. So we have essentially a requirement that would be something in the range of 16 percent instead of the 15 that I have asked for.

Then they say: OK, let's define the requirement in a way that it does not just include those things the Bingaman amendment calls for; that is, production of electricity from solar power, wind power, geothermal, biomass, ocean tidal, current wave energy, incremental hydropower, landfill gas; you get credit for doing any of those if you want to do them. But if you want to build a nuclear plant, we will give you credit for that too. If you want to improve energy efficiency, we will give you credit for that too. If you want to adopt the demand-response program to reduce the demand of your customers, then we will give you credit for that too. If you want to adopt capture-and-storage technology for carbon in some coal plant, we will give you credit for that too.

Then it has a general catchall. It says: The Secretary of Energy can pick out other things in the future he may think people ought to get credit for. So what it does is it eliminates any real

requirement that any company, any utility, actually go and produce additional power from renewable sources. That was the whole purpose of the Bingaman amendment.

There is one other provision I want to alert my colleagues to, because it is a very important provision, and this relates to the States' abilities to opt out. I know various people have been here and said: Well, States ought to be able to opt out. Well, you don't have a national renewable standard. You don't drive the development of these technologies in a national market if it is up to each State to decide whether they want to participate.

There is a provision in here called Governor certification. This is on page 9 of my friend's amendment. It says: On submission by the Governor of a State to the Secretary—that is the Secretary of Energy—of a notification that the State has in effect and is enforcing a State portfolio standard that substantially contributes to the overall goals of the Federal clean portfolio standard, under this section the State may elect not to participate.

Under this section, it is clear to me the problem with the Domenici amendment is it essentially prescribes that utilities should do what they are doing at any rate. Then it sets up a complicated procedure of credits and monitoring and trading they have to comply with as well. But it does not require any change in the mix of energy they are, in fact, producing and selling. That, of course, is the purpose of the Bingaman amendment, which is a second-degree amendment.

I do think it is very important we table this amendment so we have a chance to consider the Bingaman amendment and add it to this bill. For that reason I urge my colleagues to support the motion to table which I will make following the remarks of my colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, fellow Senators, I know this is a difficult situation for the Senator from New Mexico, because on big matters of energy for the last 3 years, I have been working with my colleague, and we end up coming forth with bipartisan ideas.

In fact, the basic underpinning of this bill that was brought before us is bipartisan. If we can keep all of that that came through us, it will be a very big and powerful bill. I am not sure we can, because there will be those who are trying to take out big pieces of it before we are finished.

But after the bill was out of committee and here on the floor, Senator BINGAMAN proposed an amendment I could not possibly support, so it did not end up in our bill. So it is not bipartisan; it is his. I have to oppose it.

First, let me say if I were Florida, Georgia, North Carolina, Alabama, Kentucky, Tennessee, Arkansas, Louisiana, or South Carolina—and I am not, and nobody sent me here to rep-

resent them or defend them, but they are busy and some of them understand this issue. I hope they will vote accordingly. These States I have just mentioned—Florida, Georgia, North Carolina, Alabama, Kentucky, Tennessee, Arkansas, Louisiana and South Carolina—are the States that are going to have to pay into this program and they get nothing for it. They cannot produce wind energy, and so Florida is going to pay \$21 billion over the course of this legislation; South Carolina is going to pay 6; Alabama is going pay to 7, and so on. I think any piece of legislation that comes to the floor in the field of energy that is so distorted that right off the bat we can come here, whether we are from New Mexico or whether we are from Louisiana, we can come here and say this about our sister States and our fellow Senators should not be adopted. There are not enough Senators to join this list, but we ought to protect them, and we ought to inquire very seriously how can this be such a good bill.

Incidentally, these States have to pay 2 cents per kilowatt-hour. That is where this money comes from I am talking about that I just said they are going to have to pay. That is a huge amount of money they are going to have to pay, these States I am here trying to protect. I am asking them to come down and protect themselves a little more, because I need your help. If you do not help, and if you do not stand up and not let this amendment even pass, ultimately you have got to have a filibuster on this amendment, you southerners and you people I just mentioned, because this is the worst bill that could ever happen to you.

Now what happened was the wind experts and the wind people in this country got big headed. They got a big head. You see, I love them. I have been part of giving them every energy credit we could give to wind energy. Wind is doing preposterously well, but not because it is, per se, such a great source of energy. We are giving it subsidies. And when you give the subsidies, it is a natural that it is clean. I am not so sure it is pretty. After people had it around a long time, they began to complain. But in my State it is terrific. It is up in the low mountains where it can't be seen too much. The ranchers who lease their land love it too because they get paid very heavily, I say to my friend from Alabama.

But the problem is we should have allowed more energy sources included in this major program. My definition changed from Senator BINGAMAN's to clean, to offer clean energy into this proposal. We raised it to 20 percent with these new kinds of energy I have described many times here on the floor, that everybody supports, that we ought to encourage as much as we are encouraging wind, which cannot be built in certain States of the Union, and yet this is a national policy. Openly he states it is a national policy.

My friend Senator BINGAMAN says what is wrong with mine is it is not national. I guess that means his must be a national policy. But it is not, because the States I mentioned cannot do it. They cannot produce the wind that is contemplated by this amendment. Since they cannot produce it, they have to pay a fine, a pretty whopping penalty.

I think we ought to try every way we can to try to get alternatives that are clean and put them in this mix. I believe we ought to keep it open as long as we can for those who develop new sources to get in. I am not embarrassed that our amendment says you can let some new sources of energy in after the amendment is adopted, even 5 or 10 years into it. If, in fact, America is acting the way it normally does, they will do that.

I want to give those technocrats we like and love who get things done maximum time to get in and improve clean energy and put it in this mix likewise, since I do not think wind ought to be the national energy. I am not impressed with wind being the national energy source for America. Right now we are stuck; it is probably crude oil that is the energy of America. We don't want it, but it probably is. But I don't think we want to say America has nominated, of all of the sources we have, wind to be the national source of energy.

I think that is what it says, because my opposition and good friend says mine is not national, his is, so he is bragging about it being national. I do not see why it needs to be national.

I never heard of a weaker energy policy being national for America than wind. I mean, it is pretty. It produces energy. It has got a lot of problems. It does not produce it all the time, so you have to have backup energy for it. But it is pretty good stuff. I mean, it is doing a great job.

What we ought to do is we ought to make sure it continues to get its tax incentive. That would be the best thing we could do to keep wind energy going. We don't need this for it. What we need is a 5- or 10-year assurance that we are going to have the tax credit, if that is what people think. That is another thing you look at. This is not even an energy source that can make it on its own, and we are trying to make it the national energy source, the national energy. It cannot do it on its own. Right? It cannot do it without tax incentives right now. Maybe it can later. Maybe that is the way a lot of them start and maybe later on they get there.

I hope my friends in the wind industry don't think what Senator DOMENICI has been saying here on the floor is anti-wind. It is anti what people are trying to make wind be when it can't be; that is what I am. I have supported everything that has caused wind to move ahead.

I urge my fellow Senators today not to table the Domenici amendment and

to leave pending in the Senate two amendments, the Domenici amendment and the Bingaman amendment. Don't kill mine. Leave his here, leave mine here. We will probably get up, get off that amendment, go on to something else in the bill. But even if we close mine, then I urge all of those who are here, who are listening and who understand, we ought to be very careful about adopting this national standard, wind; that you watch out and make sure that we try to force 60 votes on this amendment before it can breathe as an amendment that will be part of this bill.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. I would, but I don't want to hold him up.

Mr. SESSIONS. I won't persist. I thank the Senator for comments that are very valid for my part of the country.

The PRESIDING OFFICER. The Senator from New Mexico.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—56

Akaka	Grassley	Nelson (NE)
Baucus	Gregg	Obama
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Smith
Carper	Leahy	Snowe
Casey	Levin	Specter
Clinton	Lieberman	Stabenow
Collins	Lincoln	Sununu
Conrad	McCaskill	Tester
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murray	Wyden
Feinstein	Nelson (FL)	

NAYS—39

Alexander	Cornyn	Hutchison
Allard	Craig	Inhofe
Bennett	Crapo	Isakson
Bond	DeMint	Kyl
Brownback	Dole	Lott
Bunning	Domenici	Lugar
Burr	Ensign	Martinez
Chambliss	Enzi	McConnell
Cochran	Graham	Murkowski
Coleman	Hagel	Roberts
Corker	Hatch	Sessions

Shelby
Stevens

Thune
Vitter

Voinovich
Warner

NOT VOTING—4

Coburn
Dodd

Johnson
McCaïn

The motion was agreed to.

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

The motion to lay on the table was agreed to.

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

Ms. KLOBUCHAR addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. BINGAMAN. I withhold that suggestion.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to set the pending amendment aside. I have an amendment, No. 1557, at the desk and am asking for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Mr. President, I am disappointed the Senator from New Mexico has objected to the consideration of my amendment No. 1557. It provides for a national greenhouse gas registry and has the support of many people on the other side of the aisle as well as this side of the aisle. I ask that we try to work this out in the future, but I ask that I may discuss this amendment.

My amendment, which I have submitted with Senators SNOWE, BINGAMAN, COLLINS, CARPER, COLEMAN, and KERRY, establishes a national greenhouse gas registry—a comprehensive and uniform method of tracking greenhouse gas emissions by major industries. This registry creates a national framework for credible and consistent greenhouse gas emissions reporting.

Currently, reporting of greenhouse gas emissions data falls under a number of different Federal and State programs. Reporting is largely voluntary, and the criteria and reporting formats are inconsistent. The resulting data is meager and unsatisfactory.

The Klobuchar-Snowe-Bingaman amendment requires the Administrator of the EPA to gather complete, consistent, transparent, and reliable data on greenhouse gas emissions at the facility level. It builds upon existing reporting requirements to minimize the impact on businesses as well as the EPA.

This amendment is very similar to legislation that has passed this Senate twice in the past 5 years as part of comprehensive energy legislation.

A little over 5 years ago, Senator BROWNBACK, along with then-Senator Corzine, passed an amendment creating a greenhouse gas registry. This registry would have been voluntary, but

after 5 years—if the registry contained less than 60 percent of the total national greenhouse gases in the United States—mandatory reporting of greenhouse gases would have been triggered.

Now it has been over 5 years since the passage of that amendment in this body of Congress, and we still lack credible greenhouse gas emissions data from nearly all major sectors of our economy.

This amendment is simpler than the Brownback-Corzine amendment, requiring reporting from a little over 10,000 establishments in the U.S. economy, representing over 80 percent of our human-induced greenhouse gas emissions, without requiring costly monitoring equipment for smaller entities.

Collection of greenhouse gas emissions data is necessary to better understand how much greenhouse gas various sectors of our economy emit and design effective strategies to address greenhouse gas emissions.

Last week, on National Public Radio's "Morning Edition," a reporter asked a seemingly simple question that helps illustrate the need for such a registry: Who is the largest producer of greenhouse gases in the country?

It turns out, finding the answer is not that simple. The reporter could not find an answer because we do not have an accurate and complete inventory of greenhouse gas emissions in this country.

This is a problem. As Peter Drucker, the famous business management scholar, has said:

If you can't measure it, you can't manage it.

Without accurate measurement, it is hard to implement effective solutions. At the moment, there is a void of accurate measurements on greenhouse gases, and what data is available is not certified by either the EPA or a third party.

There is strong support in the business community for the establishment of a national registry. In January 2007, a group of businesses unified to form the U.S. Climate Action Partnership. This diverse group of businesses urged Congress to act within the year to create a greenhouse gas registry, along with a number of other steps. The group includes General Electric, DuPont, Duke Energy, General Motors, PG&E Corporation, and many others.

Mr. President, I ask unanimous consent that a list of the companies be printed in the RECORD.

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

USCAP MEMBERS

Alcan Inc.; Alcoa; American International Group, Inc. (AIG); Boston Scientific Corporation; BP America Inc.; Caterpillar Inc.; ConocoPhillips; Deere & Company; The Dow Chemical Company; Duke Energy; DuPont; Environmental Defense; FPL Group, Inc.; General Electric; General Motors Corp.; Johnson & Johnson; Marsh, Inc.; National Wildlife Federation; Natural Resources De-

fense Council; The Nature Conservancy; PepsiCo; Pew Center on Global Climate Change; PG&E Corporation; PNM Resources; Shell; Siemens Corporation; World Resources Institute.

Ms. KLOBUCHAR. The strength and breadth of this coalition demonstrates the fact that the U.S. business community anticipates a mandatory greenhouse gas reduction program coming into force. Having accurate greenhouse gas emissions data is necessary to assess risks of capital investment decisions.

It also provides an opportunity for major industries to gather information on greenhouse gas emissions from previous years and make good decisions on the design of any future greenhouse gas regulatory program.

In response to the absence of action by the Federal Government, 31 States—representing over 70 percent of the population of this country—have banded together to create a greenhouse gas reporting system called the Climate Registry.

While it is a good start, and a sign of bipartisan impatience with the Federal Government's inaction, this registry is no substitute for a comprehensive national registry. You now have a situation where 31 States are having to start their own registry because we have not acted.

The other issue with the 31-State registry is that it does not require mandatory reporting or third-party verification. Its participants range from States that are moving to impose mandatory greenhouse gas reduction programs to those that are beginning to evaluate whether to take any steps.

According to Arizona Governor Janet Napolitano:

The State Climate Registries are another example of how States are taking the lead in the absence of Federal action to address greenhouse gas emissions in this country.

These States will benefit from a national registry, which will reduce administrative costs, centralize technical expertise and support, and greatly reduce the risk of under- or over-reporting.

As the Climate Registry—the non-profit entity coordinating the 31 States' efforts—claims:

The creation of a Federal greenhouse gas emissions reporting system would be a significant step forward in U.S. climate policy that will build on the progress made through existing reporting systems and make it easier and less costly for corporations to track and report their greenhouse gas emissions.

We need a greenhouse gas registry because there simply isn't a consistent set of data. We have a patchwork system that is simply unworkable for accurate data measurement. We can't make good policy choices unless we collect good data.

At the Federal level, the Environmental Protection Agency and the Department of Energy collect a lot of data on energy production and consumption. However, the quantity and quality of the data vary greatly across different fuels and different sectors.

For example, data on crude oil and petroleum product stocks is collected weekly from selected oil companies, while data on energy use in the industrial sector is collected only once every 3 years through surveys. In some cases, the EPA collects the data itself, while in other cases, the data is collected through State or Federal agencies.

There are two existing programs that provide some, but not nearly enough, data on greenhouse gas emissions. The first is the Department of Energy's 1605(b) Program, and the second is EPA's Climate Leaders Program. However, neither of these programs gathers facility-by-facility emissions data. Additionally, both of these programs are voluntary with no means of verifying greenhouse gas emission reports. The PEW Center on Global Climate Change, as well as the National Commission on Energy Policy, have criticized both of these programs for lacking rigorous reporting standards and verification requirements, allowing for the double-counting of reductions and failing to account for overall greenhouse gas emission increases. This inconsistency in approaches has resulted in a lack of comparability of reported emissions from company to company, as well as a lack of comparability of results from reporting program to reporting program. We need to have consistent, high-quality data across all sectors, which is what I call a national carbon counter system.

Our amendment—again, a bipartisan amendment—seeks to create common standards for measuring, tracking, verifying, and reporting greenhouse gas emissions by major industries. These standards do not currently exist at either the State or the Federal level.

This amendment does not place limits on greenhouse gas emissions; it simply requires that the EPA establish and maintain a database of greenhouse gas emissions. A national greenhouse gas registry will create reliable and accurate data that can be used by public and private entities to inform their financial decisions and allows investors to identify and manage future risks and opportunities.

The amendment has a number of checks to ensure it does not harm small businesses, as defined by the Small Business Administration, which emit less than 10,000 metric tons of greenhouse gases. It will promote full and public disclosure by requiring the EPA to post greenhouse gas emissions on its Web site. You really can't see greenhouse gas emissions, but at least you will be able to check the Web site. It will build on existing reporting requirements to minimize the impact on businesses and the EPA.

This amendment is not designed to support any specific legislation or policy position; it simply ensures that greenhouse gas emission data will be generated and collected in a consistent manner, regardless of its intended use. We will be able to make good decisions in the future on policy only if we have good and accurate information.

I would note that Senator BOXER is also a cosponsor, in addition to Senators SNOWE, COLLINS, and COLEMAN, and Senator KERRY and Senator BINGAMAN, who is managing this Energy bill, as well as Senator CARPER.

I would like to add that I am very disappointed that the Senator from New Mexico has objected to me putting this amendment in at this time. There is support on the Republican side of the aisle for this bill. I am hoping I can work with him and others to finally get this amendment admitted and considered by the Senate. I believe it is very important. I think it is the least we can do to begin information-reporting and to begin doing something about climate change. So I will work with the Senator from New Mexico and others to be able to get this amendment considered.

I thank the Chair.

AMENDMENT NO. 1573 TO AMENDMENT NO. 1537

(Purpose: To provide for a renewable portfolio standard)

Ms. KLOBUCHAR. Mr. President, on behalf of Senator BINGAMAN, I call up amendment No. 1573 and ask for its immediate consideration.

Mr. DOMENICI. No objection.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR], on behalf of Mr. BINGAMAN, proposes an amendment numbered 1573 to the Bingham amendment No. 1537.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Thursday, June 14, 2007, under "Text of Amendments.")

Ms. KLOBUCHAR. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. SNOWE. Mr. President, I know there are other amendments pending, but I wish to speak to an amendment that is to be offered by our colleague, the Senator from Minnesota, Ms. KLOBUCHAR, on creating a national greenhouse gas registry. I am pleased to join her in this effort because I do think it is so critical if we are to aggressively and comprehensively address the question of climate change and instituting some major initiatives with respect to global warming. I am pleased to join Senator KLOBUCHAR and the Senator from New Mexico, Mr. BINGAMAN, in offering this amendment at the appropriate time today.

I know Senator KLOBUCHAR has spoken to the question, and I want to make sure I have the opportunity to express my views on creating this greenhouse gas registry which I think is absolutely essential in fulfilling the existing void by requiring vital information to help us more effectively and efficiently reduce our Nation's carbon dioxide emissions.

I know this is Senator KLOBUCHAR's first major initiative in the Senate as one of our newest colleagues. I had the pleasure of working with her on this initiative. No question it is going to be a major contribution to the environmental debate and to our national energy policy because a greenhouse gas registry is an absolutely integral beginning for collecting emissions data that will lead to an economy-wide number for our Nation's greenhouse gas emissions.

Everyone rightly speaks of the increased greenhouse gas emissions that scientists, through peer-reviewed research, have verified are creating the temperatures to rise, severe droughts, weather events to intensify, and sea levels to rise around the globe. We now have sufficient scientific certainty to know we must act to decrease carbon dioxide emissions, the largest greenhouse gas pollutant both domestically and globally.

While there is this sense of urgency, as there should be, I think we well recognize all the consequences of our failure to act both internationally as well as domestically. The United States EPA has no facility-by-facility inventory to even accurately report emissions in the United States. We simply have no solid number representing how much carbon is even emitted.

While the powerplant sector is responsible for reporting under the Clean Air Act, the Government has no accurate system to account for the largest U.S. emitters, as we are currently under an incomplete and voluntary system for reporting yearly emissions for non-powerplant facilities.

Now is the time to follow the lead of our neighbor to the North, Canada, which already has a mandatory registry system in place. In fact, the Senate has addressed establishing a greenhouse gas registry in the past. Specifically, the 107th Congress 2002 Energy bill called for a national database for greenhouse gas emissions with voluntary reporting language, and also a hard trigger that I proposed that made the program mandatory after 5 years if industry had not stepped to the plate and voluntarily reported and reduced greenhouse gas emissions. Yet, regrettably, no bill emerged from conference that year.

I have no doubt our Nation would be in a much better position today if such a provision had been put in place 5 years ago. I also have no doubt the United States would have engendered more respect internationally if we had instituted a mandatory program for greenhouse gas emission reductions.

Indeed, let us recall—and I certainly do because I was here, I was in the House of Representatives at the time—the United Nations Framework Convention on Climate Change that was signed by former President Bush and ratified by the Senate and which entered into force on March 21, 1994. The United States agreed to gather and share information on its annual greenhouse gas emissions.

In response, the EPA makes an estimate on what the total U.S. greenhouse gas emissions are every year. Frankly, I would call it more of a guesstimate because how precisely and exactly can emissions be reported under the United Nations Framework Convention on Climate Change when accurate data is not even available to the EPA from well over half of the emitters in the United States?

There are around 12,000 U.S. industries, from petroleum refiners, cement and steel manufacturers, chemical plants, and others, that do not have to report any greenhouse emissions whatsoever. They are only being asked to participate in a voluntary reporting scheme called the Department of Energy's 1605(b) voluntary registry program which has been marginally successful at best when one considers that according to the Energy Information Administration, in 2005, only about 200 companies voluntarily reported their emissions—only 200, Mr. President. It is truly alarming there is no comprehensive national accounting of greenhouse gas emissions for major emitters in the United States, nor is there any certification that the reported greenhouse gas emissions are even accurate.

The Department of Energy's Office of Policy and International Affairs is only asked to review the 1605(b) guidelines every 3 years. All we are requiring today is a mandatory greenhouse gas emissions registry to secure accurate numbers. For those who don't favor advancing climate change legislation, they should at least be concerned that the United States meets its obligations by accurately reporting its total annual greenhouse gas emissions, not having a guesstimate or uncertain data, but data that give us the most precise and accurate information.

For those of you, like myself, who support a market-based carbon cap-and-trade system, as called for in the Kerry-Snowe legislation and the Lieberman-McCain climate bill to decrease domestic greenhouse gas emissions through a carbon cap-and-trade system, the registry we are requesting has to be the very first step. It is an integral component to any type of carbon cap and trade we might initiate in the future.

We are being proactive by not waiting until we have established a cap-and-trade system that will require reporting emissions for major industries. This will jump-start the actions in the United States for decreasing emissions.

A trading system carries with it a value of every ton of carbon. A ton of

carbon not emitted is worth a credit that can be sold to a company that emitted a ton too much. So we will need a level of detail and verification to make the market truly work in distributing credit for tons not emitted in the shortest timeframe possible.

The European Union has been a living laboratory for its bold step in setting up the world's first carbon cap-and-trade system. They modeled its greenhouse gas emissions scheme after a sulfur dioxide cap-and-trade program that was put into place by the Clean Air Act amendments of 1990 to combat acid rain.

A European official, in appraising the mistakes made with their still new system, said:

You need a registry, and you need a reporting vehicle.

That information gathering is vital, "a very important first step," he indicated.

I recall it took EPA 5 years to get the acid rain program up and running because powerplant operators had to install devices to gather pollution rates. The European Union is going through similar growing pains because they had no registry of verified data to make its cap-and-trade system work accurately. Too many credits were given.

So a national greenhouse gas registry is a crucial precursor to both mandatory and market-based carbon cap-and-trade regulations of industrial greenhouse gases that contribute to global warming which we know has been verified indisputably by the numerous reports and scientific data and studies, such as from the Intergovernmental Panel on Climate Change.

It is quite simple: If there is no system for counting carbon emissions, there is no accurate way these emissions can be reduced, and certainly there is no accurate way they can be capped or a trading scheme developed.

Once again, the States are undertaking initiatives. They are certainly assuming a leadership role for climate change actions. There are 31 States, with California and the New England States in the lead, that represent more than 70 percent of the population in the United States that are now participating in the Climate Registry, all measuring in the same manner and jointly tracking greenhouse gas emissions from major industries.

This partnership with the climate registry is yet another example of the States going farther than the Federal Government and taking the initiative and taking the steps essential to combating global warming.

More significantly, the emissions statistics of the new registry are subject to third-party verification as opposed to the Federal voluntary program that doesn't require any verification of any kind and, therefore, undermines the certainty, the credibility, and the confidence in that information because it has not been certified in any way.

I hope my colleagues will support this initiative offered by Senator

KLOBUCHAR, Senator BINGAMAN, and myself to establish this essential accounting tool that will give businesses and policymakers the ability to track emissions as a building block for climate change emissions reduction initiatives that are currently before Congress.

Very recently, the Senator from Massachusetts, Mr. KERRY, held a meeting with a number of CEOs of various major corporations around the United States who have supported a carbon cap-and-trade system. They have joined in a major partnership, the U.S. Climate Action Partnership, with environmental organizations and other stakeholders in support of initiating domestic climate change initiatives and legislation.

This is very significant because these companies and these corporate executives have indicated their support for a carbon cap-and-trade system for the very first time because they understand that many of the States, as I indicated, the 31 States—with California having taken the lead and now the New England States and my State of Maine is certainly one of them that has been in the forefront of environmental leadership—have adopted the various regulations that will be part of a carbon cap-and-trade system.

The fact is, these States have taken the lead, and they have been very aggressive and bold in their steps to reduce emissions in their respective States and regions. Now companies understand the true value that will emerge in having one national standard so they have predictability, if they have a national standard that creates a carbon cap-and-trade system, so they can plan for the future. After all, companies have to make long-term decisions and have to have lead time in making decisions 30 to 40 to 50 years and beyond. So they have to understand exactly what regulations they will be governed by. They want the certainty, and they do not want to deal with States' different rules and regulations. They would like to be governed and regulated by one standard, a Federal standard, with respect to regulations through a national carbon cap-and-trade system.

In our discussions during the course of that luncheon, they indicated a greenhouse gas emissions registry would be absolutely integral to this process; that, in fact, it is the very first step that is so essential in developing the predictability, the certainty, and the confidence in the data that has been yielded so we know for sure which companies are emitting how much so the carbon cap-and-trade system that is ultimately put in place is put in place with confidence. We can then have a verifiable trading system that can buy and sell credits that will be important to this process if we are going to establish a cap and trade program to ultimately reduce carbon dioxide emissions which is, of course, what it is all about if we are ever going to

begin the process of curtailing climate change and to avert any increases in the Earth's temperature by the year 2050, which most scientists have indicated is the tipping point. We have to prevent an increase in the Earth's temperature by more than 2 degrees centigrade by the middle of this century.

Ultimately, it is going to require a major reduction in carbon dioxide emissions at least at a minimum at 65 percent, which the legislation I have joined Senator KERRY on that will achieve that level in order to avert that climatic tipping point we obviously want to accomplish over the next few decades.

This carbon cap-and-trade system is going to be a vital component to bringing everybody on board in industry, and having an economy-wide approach is very important if we are going to be effective in curtailing these emissions that indisputably and undeniably are having an unambiguous impact on our environment. The science has obviously been verified by so many of the reports that have been issued in the last couple of years and these reports are alarming. Now is the time to begin action. So I want to commend my colleague from Minnesota, Senator KLOBUCHAR, for taking this initiative for a national greenhouse gas registry. By all accounts it is absolutely an integral part of our effort as we begin to take the measures needed to be proactive in combating global warming.

Mr. President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. THUNE. Mr. President, I rise to speak about an amendment I filed that would extend the current tariff on imported ethanol by 2 years. Over the past 2 years, I have been proud to stand with my colleagues in the Senate as we have made clean renewable energy a top priority in our national energy policy. The Energy Policy Act of 2005, passed in the previous Congress, made a historic commitment to renewable fuels by establishing a national renewable fuels standard and extending several important renewable energy tax credits. This law has effectively promoted homegrown sources of energy such as ethanol and biodiesel. The bill before the Senate today builds upon that success by boosting the renewable fuels standard to 36 billion gallons by the year 2022 and establishing other valuable incentives for renewable energy production.

The amendment I have offered to the underlying bill would significantly add

to the existing renewable energy incentive promoted by this bill. My amendment would extend the 54-cents-per-gallon tariff on ethanol imports through 2010. The current tariff is set to expire at the end of 2008.

This energy legislation does some great things for renewable fuels such as corn-based ethanol and advanced biofuels such as cellulosic ethanol. However, if we increase the renewable fuels standard without extending the tariff on ethanol imports, we are sending a mixed signal to our ethanol producers, their investors, and the farmers who sell their products to ethanol plants. In essence, Congress is telling the ethanol industry that we are demanding more of your product, but at the same time we are going to open the backdoor and begin subsidizing foreign sources of ethanol.

We need to ask: What is the purpose of the ethanol import tariff, and what will happen if the tariff is allowed to expire? First, the ethanol tariff serves to offset heavily subsidized ethanol from foreign countries. Brazil, which is a world leader in ethanol production, has been subsidizing its ethanol industry for the past 30 years. Now that Brazil's ethanol industry is mature and meeting a high percentage of Brazil's fuel needs, Brazil is hungry to export their subsidized ethanol to the United States. In 2005, Brazil exported 33 million gallons into the United States. In 2006, that number increased more than tenfold to 433 million gallons. That same year Brazil paid over \$220 million in duties to import this amount of ethanol. Further, Members of Congress and the American public have every reason to believe this trend will continue well into the future and will certainly be expedited if the tariff is allowed to expire.

According to media reports, Brazil's state-run oil firm, Petrobras, has publicly announced plans to build an ethanol-only pipeline from central Brazil to ports in the western part of Brazil in order to more easily export ethanol to North America and Asia. According to the Inter-American Development Bank's Global Biofuels Outlook for 2007, Brazil will be exporting almost 1.6 billion gallons of ethanol by 2012. Clearly, foreign producers of ethanol would love to import billions of gallons of unregulated ethanol into our country.

The second purpose of the ethanol tariff is to offset the current tax credit available to domestic blenders of ethanol. It is important to remember that each gallon of ethanol that is blended with gasoline in the United States currently receives a 51-cent-per-gallon tax credit. This tax credit, which has played a leading role in ethanol's success story, does not discriminate between domestic or foreign sources of ethanol. If a shipment of Brazilian ethanol arrives at a U.S. port and is blended with gasoline on U.S. soil, this Brazilian ethanol is eligible for the blenders tax credit. This tax credit is cur-

rently scheduled to expire at the end of 2010.

Extending the ethanol import tariff to correspond with the expiration of the tax credit is in the best interest of our ethanol producers and the American taxpayer. If the tariff expires before the ethanol blenders tax credit expires, American taxpayers will be subsidizing hundreds of millions of gallons of foreign-made ethanol each year. Simply put, the well-intentioned policy of boosting the renewable fuels standard could have serious unintended consequences, if the ethanol tariff expires at the end of 2008. In fact, we would merely trade our dependence upon foreign sources of oil for a new and growing dependence upon foreign ethanol. This tradeoff is dangerous and will undermine hard-fought efforts to grow our domestic ethanol industry which is creating jobs and economic growth in America's heartland.

Critics of the tariff claim that we will need ethanol imports to meet a growing demand for ethanol and to comply with the strengthened renewable fuels standard. However, the facts tell a very different story. Our Nation's current domestic production capacity is 6.2 billion gallons of ethanol. According to industry experts, an additional 6.4 billion gallons of capacity are currently under construction and will soon be refining ethanol. That is a total of 12.8 billion gallons in current and planned production. By comparison, the heightened renewable fuels standard in this bill is 12 billion gallons in 2010, the year the ethanol import tariff would expire under my amendment. The renewable fuels standard will require 12.6 billion gallons in 2011. Clearly we do not need imported ethanol to meet the renewable fuels requirement included in this bill.

The Senate has also voted on extending the ethanol tariff to the year 2010. During debate on the transportation reauthorization bill in the 108th Congress, 76 Senators voted in favor of extending the ethanol tariff through the year 2010. Again, I stress, the Senate is already on record in support of the very proposal outlined in my amendment.

In addition to extending an effective renewable fuels policy, my amendment would also shed light on a disturbing loophole in our trade policy which allows foreign ethanol producers to avoid the ethanol tariff by shipping ethanol through the Caribbean Basin Initiative. The CBI is a Cold-War-era policy established to promote the political and economic stability of 24 Caribbean countries. Under the Caribbean Basin Initiative, many goods, including ethanol, can be shipped into the United States duty free. Brazil is currently shipping wet ethanol, ethanol that contains 10 percent water, to beneficiary countries, only to be dehydrated and shipped to the United States duty free. According to the Congressional Research Service, ethanol dehydration plants are currently operating in Jamaica, Costa

Rica, El Salvador, Trinidad, and Tobago, all of which are Caribbean Basin Initiative countries.

Although Caribbean Basin Initiative imports are capped relative to the size of the U.S. ethanol market, these imports are increasing rapidly and could reach 2.5 billion gallons by the year 2022, under an expanded renewable fuels standard.

The troubling part of this policy is that it is unclear how much of this ethanol actually originates in Caribbean countries. If the majority of this ethanol is simply dehydrated in Caribbean countries, then the purpose of the ethanol tariff and of the Caribbean Basin Initiative is being subverted. My amendment calls for a study of Caribbean Basin Initiative imports to determine the origin of these imports and the economic impact on both the domestic ethanol market and the economies of the Caribbean Basin Initiative countries.

My amendment also promotes renewable energy on another front. Part of the revenue generated by duties applied to ethanol imports would be directed to a renewable energy fund within the United States Treasury.

This fund would be dedicated to funding renewable energy systems rebates, which were authorized in section 206 of the Energy Policy Act of 2005. Transfers from this fund would be subject to appropriations.

The section 206 rebate program offers incentives for the installation of renewable energy systems in homes and small businesses. The amount of the rebate is 25 percent of the costs for purchasing or installing the equipment or \$3,000, whichever is less.

According to the Energy Information Administration, section 206 rebates could increase residential renewable energy consumption between 7 trillion to 14 trillion Btu's by the year 2010.

The Energy Information Administration also predicts that section 206 rebates would greatly increase the use of geothermal heat pumps, residential wood stoves, solar technologies, residential wind turbines, and wood-pellet and corn-burning stoves.

This commonsense, bipartisan measure gives consumers choice and flexibility to produce and consume renewable energy in their homes. Although it was supported by the Senate in 2005, it is yet to be funded. My amendment would direct some of the revenue generated from extending the tariff toward funding this important program.

Specifically, it would direct up to \$100 million in 2009 and \$150 million in 2010 to fund the renewable energy systems rebate program—well below the \$250 million authorized level.

In conclusion, ethanol is being produced here at home at record levels, but it is an industry that is still in its infancy, and we need to be doing all we can to invest in it and encourage its growth—not the growth of foreign ethanol companies. I encourage my colleagues to support my amendment

which will keep American-made, home-grown renewable fuels at the forefront of our national energy policy.

Mr. President, I yield the remainder of my time and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that when the Warner amendment No. 1566 is offered and reported by number, the amendment be temporarily set aside and that the Klobuchar amendment No. 1557 be called, and once reported by number, the amendment be set aside and we return to the Warner amendment No. 1566.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 1566 TO AMENDMENT NO. 1502

Mr. WARNER. Mr. President, pursuant to the unanimous consent agreement, I now call up the amendment I have at the desk. It is No. 1566.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1566 to amendment No. 1502.

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

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

The amendment is as follows:

(Purpose: To authorize the State of Virginia to petition for authorization to conduct natural gas exploration and drilling activities in the coastal zone of the State)

At the appropriate place, insert the following:

SEC. ____ . AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

"(I) DEFINITIONS.—In this subsection:

"(A) ATLANTIC COASTAL STATE.—The term 'Atlantic Coastal State' means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida

"(B) GOVERNOR.—The term 'Governor' means the Governor of the State.

"(C) QUALIFIED REVENUES.—The term 'qualified revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

"(D) STATE.—The term 'State' means the State of Virginia.

"(2) PETITION.—

"(A) IN GENERAL.—The Governor may submit to the Secretary—

"(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

"(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

"(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

"(3) ACTION BY SECRETARY.—

"(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

"(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

"(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation supporting extraction for natural gas in the coastal zone of the State.

"(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

"(E) COMMENTS FROM ATLANTIC COASTAL STATES.—On receipt of a petition under paragraph (2), the Secretary shall—

"(i) provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition; and

"(ii) take into consideration, but not be bound by, any comments received under clause (i).

"(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

"(A) 50 percent of qualified revenues in the general fund of the Treasury; and

"(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

"(i) 75 percent to the State;

"(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601–5); and

"(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

"(I) reasonably foreseeable; or

"(II) caused by negligence, natural disasters, or other acts."

Mr. WARNER. Mr. President, I thank the distinguished Presiding Officer and my colleagues and, indeed, the floor managers for giving me this opportunity.

I rise to bring before the Senate an amendment similar to amendments I have put forward on this same subject in years past, but I think at this time

on this particular bill it is extremely important this body—

Mr. BINGAMAN addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, could I ask my colleague from Virginia to suspend for a moment while the clerk calls up the Klobuchar amendment, as provided for?

Mr. WARNER. Mr. President, I apologize, and I certainly allow that to go ahead. I thought that was done.

AMENDMENT NO. 1557 TO AMENDMENT NO. 1502
(Purpose: To establish a national greenhouse gas registry)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Ms. KLOBUCHAR, for herself, Ms. SNOWE, and Mr. BINGAMAN, proposes an amendment numbered 1557 to amendment No. 1502.

(The amendment is printed in the RECORD of Wednesday, June 13, 2007, under "Text of Amendments.")

Mr. BINGAMAN. Mr. President, I thank the Senator from Virginia, and please proceed.

Mr. WARNER. Mr. President, parliamentary inquiry: I say to the distinguished floor manager, do we have to lay this amendment aside and then go back to mine or is that taken care of? Could we ask the Parliamentarian to clarify the situation in light of the recent UC agreement?

The PRESIDING OFFICER. Under the order we now return to the Warner amendment.

Mr. WARNER. Automatically; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I thank the distinguished Presiding Officer.

AMENDMENT NO. 1566

Mr. President, as I was saying, I have raised this basic amendment or similar ones to it over the years, but I think it is particularly pertinent this Chamber once again address this issue. I am anxious the Chamber give it very serious consideration because our situation in the United States of America and, indeed, in the context of the global demand for energy, is becoming more serious.

Our citizens are laboring under higher prices—be it for home heating oil, gasoline, natural gas—and we must look at the full potential of America to help resolve this situation. So in that sense we could, hopefully, reduce some of our dependence on the need to import various forms of energy from abroad.

It is my firm belief the United States must take a balanced approach toward its energy policy. Not only must we increase conservation—I support that—and efficiency efforts—I strongly support that—use more alternative and renewable fuels—I support that, to the extent we can; there is quite a deliberation going on as to the ability of certain States, including mine, which does

not have a lot of natural wind power during much of the year, to try to bring in wind power but, nevertheless, I encourage clean coal technology. The bottom line is, we simply have to look at the natural resources we have in this country.

Because the United States has strong domestic natural gas resources, and because the potential for increasing our domestic supply exists—because the demand is ever increasing for natural gas—I bring forward this amendment.

Natural gas is the fuel of choice for many of America's businesses and industries. Today, natural gas meets 23 percent of U.S. energy requirements. It heats 57 percent of U.S. households and accounts for 90 percent of the new electricity—new electricity—capacity built in the last 5 years.

I might also add, for those colleagues who have an interest in gasohol, look at how most of the gasohol is produced and its reliance on natural gas. That is a growing source of energy for our country, and it involves a large usage of natural gas.

Our supply clearly is not meeting our growing demand. Prices—I find this astonishing—prices for natural gas have risen 74 percent since 2000. That is in the last 7 years. Domestic production has remained comparatively flat, but imports are on the rise.

I want Senators who are thinking maybe this amendment does not meet all of their needs to think carefully about what I have said: a 74-percent increase in prices, domestic production remaining basically flat, and our imports, at considerable prices, are on the rise.

It is time America turned to its own resources. Therefore, I offer today an amendment to the pending legislation that seeks to allow my State—the Commonwealth of Virginia, providing its Governor and the State legislature concur—to explore for natural gas offshore. If that exploration—the first step. This is a two-step amendment. It simply says, first, the Governor and the State legislature—going through the various procedures with the Department of the Interior—can explore. If they find a reservoir of natural gas which economically can be extracted to help meet America's needs, then they can start a second step. The Governor has to go back to the State legislature, and with the concurrence of our Government—the legislature and Governor acting together—then, working with the Department of the Interior, the State can provide for the extraction of this natural gas, which will come—all of it—to America—it is ours—thereby lessening our reliance on importing it.

I know the Virginia General Assembly, over the years, and the Governors of Virginia have already expressed—the last two—a measure of support for exploring—I underline and I carefully delineate “exploration” from “extraction.” The Virginia Governor and the State legislature have indicated, in

various ways, they are receptive to a program regarding the exploration of natural gas off the Atlantic Coast.

The amendment I offer today returns power to the Commonwealth of Virginia, using this two-step process I have outlined, to make decisions about exploration and, if they wish to go to the second step, taking the second procedure to extract that gas for purposes of bringing it to America.

So, specifically, it first allows the Governor of our State to petition the Department of Interior for a targeted waiver from the current moratorium to explore for natural gas in the waters of the Outer Continental Shelf. That term is well defined.

Should this exploration justify a second step—namely, that the exploration shows there is a sufficient reservoir for economic extraction—then the Governor goes back to the legislature, and if they agree, they can further pursue that extraction by working out arrangements, which are well known, with the Department of Interior; namely, to petition the Department of Interior for the various permittings that are required.

Again, the Virginia General Assembly has already passed legislation in favor of, and the Governor of Virginia has already expressed his support for exploring—that is “exploration”—for natural gas in this area offshore.

When drafting this legislation, I was certain to note that Virginia's neighbors should also have an input on what goes on near their own coastlines. Consequently, if Virginia petitions the Secretary of Interior for the right to explore—that is, do the exploration—or the right to extract—a subsequent step—the Secretary of the Interior, in both instances, shall provide our Atlantic coastal neighbors with an opportunity to comment on the petition or petitions coming from the State of Virginia, because I want to ensure that these neighboring States have a voice in this process before the Secretary of the Interior—and therein resides the ultimate authority—issues the appropriate concurrences to, first, explore and, then subsequently, to extract.

This amendment also addresses a matter of equity by allowing for revenuesharing between the Federal Government and the Commonwealth of Virginia for this offshore reservoir of gas, should it be produced, that is extracted and brought to America.

My bill is modeled, in large measure, after last year's Gulf of Mexico Energy Security Act, S. 3711. That bill states that 50 percent of all revenue would be tagged for the General Treasury. Mr. President, 37.5 percent would be for the Commonwealth of Virginia. Mr. President, 6.25 percent would go to the land and water conservation fund for conservation purposes.

In addition, I have put in here—and this is for the first time that I have seen it—I want to alleviate the concerns of bordering States, and therefore, in this bill, another 6.25 percent of

any revenues would be placed into a fund administered by the Secretary of the Interior which would be used to mitigate for any damages incurred by those several States as a consequence of the drilling, the exploration process, and the subsequent extraction process.

Now, it is highly unlikely, with the advanced technology, that anything would occur. You need only look at the aftermath of the travesty we experienced with the various hurricanes in the gulf recently: While some rigs were made inoperable, to the best of my knowledge, there was no consequent damage to the shoreline as occasioned by the disruption of the operation of those rigs, certainly none of any great consequence. So I repeat that it is a source of revenue for Uncle Sam, the State, and it seems to me to be very equitable in the distribution of these funds.

I once again note that this bill is natural gas only. There is no mention, no request for other products such as oil.

I have again tried to make it clear that this Nation is in dire straits regarding its domestic energy supply and its ever-increasing reliance on foreign energy. Now is the time for each Member of the Senate to stand and be counted. Geological exploration and geological analysis of these areas offshore to date have indicated that there are potentially enormous reserves of natural gas off the Atlantic coastline. I say to my colleagues, I say to every citizen of this country, now is the time we should begin to, first, find out and corroborate and verify the existence of those reserves and, second, let the individual States decide for themselves by a Democratic process—i.e., the Governor working with the State legislature—to start the extraction of those natural resources of gas.

Mr. President, I yield the floor.

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

AMENDMENT NO. 1578 TO AMENDMENT NO. 1566

Mr. MENENDEZ. Mr. President, I have a second-degree amendment to the Warner amendment No. 1578, and I ask that it be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 1578 too amendment No. 1566.

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

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

The amendment is as follows:

(Purpose: To require the approval of certain States before approving a petition for the issuance of leases authorizing the conduct of exploration or extraction activities)

Beginning on page 4 of the amendment, strike line 20 and all that follows through page 5, line 3, and insert the following:

“(E) COMMENTS AND APPROVAL FROM OTHER STATES.—

“(i) IN GENERAL.—On receipt of a petition under paragraph (2), the Secretary shall provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition.

“(ii) REQUIREMENT.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

Mr. MENENDEZ. Mr. President, I appreciate and respect the desire of the Senator from Virginia to be an advocate for his State for the pursuit of whatever natural resources it may have. However, the ocean is not refined to defined blocks that can be confined in terms of consequences. We share that Atlantic Ocean along many States. So the decision of one State, while it may be seen to be sovereign to it, actually has a ripple effect to other States, and the consequences can be very significant.

Now, the Warner amendment, far from helping end our dependence on oil, is seeking to tap another vein to feed our oil and our fossil fuel addiction. I would say to all of my colleagues in this body, all States and Members of those States who reside within the Outer Continental Shelf should be paying a lot of attention to this amendment because the undoing of the moratorium for one State can create a domino effect that will undo the whole basis of the moratorium throughout both the east and west coasts. That moratorium has existed for a quarter of a century, and for good reason. It has existed for a quarter of a century, and for good reason because it is about preserving the very essence of other natural resources as well—the shorelines of those States which often generate billions of dollars in economic activity—and also about being good stewards of the land for future generations of Americans.

Now, I appreciate that the Senator from Virginia has in his amendment a percentage of the proceeds, some which will go to the Commonwealth of Virginia, some which will go to a fund to potentially mitigate damages, but that recognizes, in fact, that damage is possible to other States. I don't want to be in a position of New Jersey having to mitigate damages caused to its coastal shoreline which is critical in estuary capacity, critical in terms of the economy of our State, critical to the fishing industry of our State, critical to the tourism of our State, and critical to the State of New Jersey. I would replicate that through other States throughout the Atlantic seaboard as well as on the Pacific seaboard. So having a fund that says to other States: Well, if there is damage, we will work to mitigate it, is not very consoling. And to think that one would say: We will only drill for gas, don't worry about it, it is not about oil, we are only going to drill for gas, but if while we are drilling for gas we happen to hit oil, to believe that, oh, we are going to stop and plug it up and we are not going to pursue oil exploration I think is rather ludicrous.

The Clean Energy Act of 2007 which we are debating is supposed to be—supposed to be—about transforming our

economy from one based on fossil fuels to one based on renewable energy; from an economy which threatens our planet to one which is sustainable; from energy sources which are old and inefficient to ones which conserve our resources and use them efficiently. Instead, this amendment would promote oil and natural gas drilling in the mid-Atlantic. To me, that is an unacceptable threat to New Jersey's coastline.

The area the Senator from Virginia is interested in opening to drilling is about 75 miles from Cape May, NJ—more than close enough for spills to pollute New Jersey's beaches. Furthermore, any drilling in the mid-Atlantic puts us on a slippery slope toward a day when oil rigs are the norm along the entire eastern coast. One of the greatest jewels of New Jersey is without a doubt our shore. Millions of people visit the Jersey shore every year, bringing an estimated \$20 billion into the State's economy—\$20 billion into the State's economy—and creating hundreds of thousands of jobs. We simply cannot afford to put our shoreline at this type of risk.

Mitigation doesn't help us. We had a time in New Jersey history where oil slicks, where garbage came up on New Jersey's beaches and shores, and the consequences were enormous for the State's economy, for the vitality of the communities that are along the shoreline, consequences in employment. We worked very hard at cleaning up through the Clean Water Act and other initiatives to make sure the shoreline was preserved for future generations of New Jerseyans and, for that fact, the entire Outer Continental Shelf for the future generations of Americans who call that part of our country home.

Now, the proponents of this amendment say that other States on the east coast will have the opportunity to provide input into any drilling decision, but to be very honest, the Secretary of the Interior will have the ability just to ignore their views and approve a recommendation for drilling anyway. Actually, this administration has already, through the mineral-mines management part of the Interior Department, been promoting a plan that actually seeks to create more drilling off the Outer Continental Shelf. It is an advocate of that regardless of any potential consequences to natural resources. So I have no faith in a Secretary of Interior directed by an administration that promotes drilling, and all he has to do is say: OK, I heard you, New Jersey; thank you, but no thanks. That doesn't do anything to safeguard the sovereignty of any State that may be affected by the decisions of another State as it relates to the Outer Continental Shelf. This would leave States well within the scope of environmental impacts helpless—helpless—to stop most leases and, more importantly, for the circumstance at hand in my home State of New Jersey, we could not object to any drilling off the coast of Virginia—object in a way

that would ultimately have a consequence—even though this drilling could seriously endanger our coast.

Now, the proponents of this measure also claim drilling for natural gas will not have any negative environmental impact on our shores. With all due respect, that assertion is just simply not rooted in science, and it couldn't be more wrong. Massive amounts of waste muds and drill cuttings are generated by drilling operations. Most of this waste is dumped untreated into surrounding waters. Drilling muds often contain toxic metals, including mercury, lead, and cadmium. Mercury in particular has been found in very high concentrations around rigs in the Gulf of Mexico and has raised significant concerns about contamination of fish.

In our own State of New Jersey, one of the challenges—and I know Virginia has very significant port activity as part of its economic generation—where there are ports, in the nature of the activity that takes place in those ports, there is often contamination of various sites. We had that reality as we dealt with the Port of Elizabeth in Newark and the Port of Newark in New Jersey, the megaport of the east coast. So the reality is that drilling muds often contain toxic metals, and mercury in particular is one of those.

A second major polluting discharge is called produced water. Produced water typically contains a variety of toxic pollutants, including benzene, arsenic, lead, naphthalene, zinc, toluene, and can contain varying amounts of radioactive pollutants. All major field research programs investigating produced-water discharges have detected petroleum hydrocarbons, toxic metals, and radium in the water column down-current from the discharge. Again, these pollutants have a devastating effect on fish populations that are already under considerable stress, particularly along the eastern seaboard, and those industries are very important, not only to the economies and the jobs they create and the economies of those States but to the consumers of those States who seek to have fish as part of their daily diet.

Now, even if offshore areas are leased for gas exploration, there is always the possibility that oil could also be found, and if oil is found, the exploration company will surely drill for it since there has never been an instance where a lease prohibits—prohibits—an oil company from developing oil if oil is found in a “gas-prone region.” Without such a restriction included in the lease, there would be no assurances that oil, in fact, would not be developed, raising the possibility of an oil spill.

According to the Department of the Interior, 3 million gallons of oil spilled from Outer Continental Shelf oil and gas operations in 73 incidents between 1980 and 1999. Oil is extremely toxic to a wide variety of marine species. Even if oil is not found, liquid natural gas condensates and can also spill. These gas condensates are highly toxic to virtually all forms of marine life.

Those are just some of the environmental concerns. But beyond these environmental impacts, the Department of Defense has specifically expressed grave concerns about drilling off the coast of Virginia. In a letter drafted on April 10, 2006, to the Minerals Management Service, the Department of Defense made it clear that drilling off the coast of Virginia would interfere with the Department of Defense training and testing exercises.

The letter states in part that proposed drilling would compromise the Virginia Cape's operations area. The Navy, Army, Air Force, and Marine Corps all use the Virginia Cape's operation area for critical training that could not be accomplished elsewhere.

The letter makes clear that any structures built in the water where these types of activities are conducted would severely restrict military activities to test missile systems or have amphibious or air training missions. The letter by the Department of Defense concludes by saying:

[b]ecause hazards in this area to operating crews and oil company equipment and structures would be so great, the department opposed oil and gas development activity in this Outer Continental Shelf planning location.

The moratorium this amendment would begin to undo began in 1981, and it has continued ever since then. Congress has imposed restrictions on the Outer Continental Shelf leasing in sensitive areas off the Nation's coasts. These moratoria now protect the east and west coasts of the United States and a small portion of the eastern Gulf of Mexico near Florida.

The moratoria reflects a clearly established bipartisan consensus on the appropriateness of OCS activities in sensitive areas of the country, and they have been endorsed by an array of elected officials from all levels of Government and diverse political persuasions.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. MENENDEZ. In a moment, I will be happy to. I strongly oppose lifting these protections because not only is there concern for my home State of New Jersey, which has enormous consequences, but at the same time, the incredible domino effect it can have as it relates to the overall moratorium on the Outer Continental Shelf. Anyone who believes it can just be done for Virginia and that others will not pursue it and they have at least under this amendment's procedures very little to say—they can raise a clamor, but they have no real ability to do anything.

My amendment simply says, if we are going to let this happen, those States within 100 miles from where the drilling should take place should have some significant say, the ability to have a significant say about their future as well, their economies as well, and the right to be good stewards of the land for future generations of their States and of this Nation as well.

I am happy to yield to my distinguished colleague from California.

Mrs. BOXER. Mr. President, I have a couple questions for the Senator. I am very taken with his response to this amendment offered by my dear friend, one of the senior members of the Environment and Public Works Committee. I feel the Senator from New Jersey has hit on a number of points, and I wish to go over them. So if we reiterate, I think it is important.

This Energy bill is supposed to be about reducing our dependence on fossil fuels, not increasing it. It seems to me that by turning to the same old, same old is ignoring the fact that our coastlines and our shores and the area out 50 miles where this will kick in are huge economic engines for our various States.

So doesn't my friend believe, to restate his argument in a slightly different way, that we are going back to the same old solutions and ignoring what has happened in the last 20 years since we protected our coasts, that the economic engines of our coastal States have driven jobs and tourism and all the good things that come with a protected coast?

Mr. MENENDEZ. I appreciate the Senator's question. The reality is that for a quarter of a century, we have had a moratorium exactly because we have come to understand that the values that are generated by our coastal regions, in economic terms, in terms of the environment, in terms of marine and aquatic life, in terms of all the ripple effect that means, has a greater value than any of the deposits that might exist there.

The Senator from California is absolutely right as well, if all we are going to do is go back to what this bill seeks to undo, which is our dependency on oil, whether that oil is foreign or that oil is domestic, at the end of the day, it is a nonrenewable source, it is a highly polluting source, and it has consequences to the ozone. Yes, the Senator is absolutely right. That is why I oppose it.

Mrs. BOXER. I have a further question. I would like to get the attention of Senator BINGAMAN, if I may, on this particular question because there are some people in this Chamber who think this particular amendment just deals with Virginia. Is it not so, if we look at page 2, it deals with any coastal State, and it is defined here to mean Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida? So we are not just dealing at all, as I understand it, with one State. It appears as if we are dealing with a number of States on the east coast, if not all the States that border on the coast.

Mr. MENENDEZ. I think the latest copy of the amendment that was filed, the final copy that was filed by Senator WARNER only says the State of Virginia, if I am not mistaken, on page

2 at line 21. But I do believe, however, that the consequence of opening the Outer Continental Shelf, even for one State, has a ripple effect to all the States the Senator mentioned.

Mrs. BOXER. So the amendment I have in front of me, 1566, is not the amendment that is before the Senate; is that correct? Parliamentary inquiry to the Presiding Officer: Is amendment No. 1566 not before the Senate, or has it been modified since it included all the other States?

The PRESIDING OFFICER. It is before the Senate.

Mr. BINGAMAN. Mr. President, I perhaps can clarify for the Senator from California, there is a definition of Atlantic coastal States on the second page of Senator WARNER's amendment. But the definition, as I read the amendment, is there for the purpose of defining which States are eligible to comment on a petition the Governor of Virginia would make or submit. Only the Governor of Virginia and only the State of Virginia is affected by it, except to the extent these other States have a right to comment.

Mr. WARNER. Mr. President, I simply say to my distinguished colleague and chairman of the Environment and Public Works Committee, on which I am privileged to serve, this amendment is carefully drawn to apply only to Virginia.

Mrs. BOXER. Yes, I understand.

Mr. WARNER. The Senator can oratorically describe something. This is a one-State package.

Mrs. BOXER. I thank the Senator. That is why I took the floor to ask some questions because my staff reading of it was not correct. I am glad it only applies to Virginia.

However, my next question I was going to ask of my friend from New Jersey is this, because I think it is very important: We have one country from sea to shining sea. It seems to me my friend is pointing out, even with comments from other States, if, in fact, one particular Governor prevails, will there not be impacts most likely on other States?

Mr. MENENDEZ. Yes. The answer, in my view, is clearly yes. I appreciate that Senator WARNER says this is drafted only for the State of Virginia. It is drafted only for the State of Virginia so far as that State will make a determination as to whether to exempt itself from the moratorium. But the consequences of that action clearly have, in my mind, consequences to other States that will be absolutely neutered in their ability to do anything more than to vociferously object but without consequence. So, therefore, a drilling takes place. Even the Senator recognizes by virtue of having in his amendment a provision where some of the royalties go to the State of Virginia, some go to a fund for the purposes of damages done by a spill. So, therefore, there is a recognition of the possibility of damage, and who is that damage to? To other States.

I don't want to be in a position of having to draw on a fund because my State has been damaged. I wish to avoid the damage in the first instance, and that clearly cannot be done under the amendment as offered. That is why my second-degree amendment is so critical to States for them to have a say as well about their well-being.

Mrs. BOXER. I am not going to take very much time. I say to my good friend, I know he is just looking at his own State but, in essence, what he will do today, if he succeeds, is to destroy, I believe, a very important bipartisan environmental agreement that has been in place for decades now—I guess it is, what, 25 years or so, or getting close to that—where we have basically said as Republicans and Democrats: We have a God-given country, and one of our most precious resources is our coastlines, our shores; that because we have stood together, shoulder to shoulder, on this issue perhaps until this moment—and I hope not, but so be it, we are going to find out—we send a signal to our States that they should preserve and protect their coastlines and, indeed, to many in the private sector who have taken advantage of the fact that the beauty of our coastlines, the beauty of our oceans that attract millions of tourists, not just from around the United States to our coastlines but from throughout the world.

I would hate to see us today, through the amendment process, without a pretty good hearing, take a step to cast asunder 25 years of bipartisanship and agreement by Presidents, both Republican and Democratic.

Look, we know we want to become energy independent, and I think this underlying bill takes us very far down that road. Why turn to the same-old, same-old answers, when we have within our grasp the ability to get better fuel economy in our cars, the ability to get new kinds of renewable fuels, the ability to look forward, not backward, and not cast asunder the beauty we have inherited, I believe, from our Creator?

I hope we can stand firm on this point because I am very fearful that if this idea is adopted, it is the beginning of the unravelling of something of which I have been so proud to be a part. I came to the Congress in 1982. I know my colleague has been here much longer than that. The fact is, since that time, we have worked in such a good way to preserve and protect the coasts.

Again, I thank my colleague.

Mr. WARNER. Mr. President, will the Senator entertain a question?

Mrs. BOXER. I will be happy to.

Mr. MENENDEZ. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. MENENDEZ. I will be happy to yield. I wish to make sure I have not yielded the floor.

Mr. WARNER. Mr. President, this measure is deserving of a strong colloquy. I have often felt it is through

the colloquies that the Senate does its best work, not through a series of canned speeches and everybody getting up and down. Anyway, so much for that.

The Senator from California said 25 years this moratorium has been in effect. I say to my good friend, I have been here 29 years, and I have watched the Nation in these 25 years grow more and more dependent on foreign energy. When this moratorium was put in, we didn't have \$4 to \$5 a gallon gasoline prices. We didn't have natural gas at its all-time high. I say to my good friend from California, this is a changing world, and we cannot lock ourselves into a world that existed 25 years ago and ask our citizens to continue to bear these ever-increasing costs.

This Senate last year approved legislation which granted to the several States in the gulf the right to continue drilling. So it is not as if I am breaking a precedent. Other States have been accorded this right. Why deny my State, if my citizens, my Governor, decide it is in the best interest of our State? Is there nothing left to States rights?

The Senator talks about this pollution thing—

Mrs. BOXER. Mr. President, is the Senator asking a question?

Mr. WARNER. Yes. Then I will pose a second one.

Mrs. BOXER. I will answer that one because it was so brilliantly posed. I got caught up in the Senator's poetic expression. I don't want to forget.

I think Senator MENENDEZ, and pretty soon we are going to hear from an eloquent opponent of Senator WARNER's amendment, Senator NELSON from Florida, they are going to express how they feel being on the east coast. I am on the west coast. But, again, to me the beauty of this whole moratorium has been that we have said our coastlines and our ocean, that those are national treasures, east coast, west coast. And I think my colleague, Senator MENENDEZ, has pointed out, it isn't as easy as all that. You are not going to build some kind of a sand dune around the drilling. You don't know what could happen. You don't know how far the problem could go. I know the Senator talks about the mitigation fund, but that just speaks to the point. So it isn't just about one State, it is about an entire coast, and it is about a precedent.

Let me just say to my friend that the world has changed after 9/11. I voted to go to war against bin Laden—and we are still waiting—and, clearly, we learned very quickly over the years that we have to not be dependent on foreign oil, but we also understand we need a strong economy and a good economy, which means some other things, too. It means a beautiful coast, it means a healthy tourist industry, it means a healthy fishing industry.

There are more jobs in tourism in my State than almost any other sector. So I think it is simplistic to say the only

thing that drives us is oil. As I said, the beauty of the underlying bill is that we want to get past that and into the new solutions that are coming. We are going to have a vote, probably, on the CAFE standards, corporate average fuel economy, if Senator FEINSTEIN's provision remains. It will be the equivalent of taking 5 million cars off the road.

So there are new ways to think about the future, new ways to get off of foreign oil, and I don't think a good new way is to cast asunder years of bipartisan agreement and perhaps endanger the economies of many States along the Atlantic coast.

The PRESIDING OFFICER. The Senator from New Jersey has the floor. If there are other Senators who wish to ask a question, they need to ask it through the Senator from New Jersey.

Mr. WARNER. If the Chair would indulge as much colloquy as is possible—and before the chairman leaves, she posed, in a sense, a situation. So if I could ask just two quick questions, I ask of my colleague.

Mr. MENENDEZ. I would be happy to yield to the Senator from Virginia for the purpose of propounding his questions.

Mr. WARNER. I thank my colleague.

Now, the Senator from California is the distinguished chairman of the Environment and Public Works Committee, and she has raised this specter of oil flow, and my good friend from New Jersey is talking about the oil that has washed up.

Does the Senator from California know what percentage of the oil that reaches our beaches, absent a tanker problem, the oil that seeps from this drilling, what percentage ever comes to shore?

Mrs. BOXER. We don't have any offshore oil drilling very much anymore in California, but I am familiar with the big spill that occurred in Santa Barbara, which was so devastating that our State said never again, and our Governors, Republicans and Democrats, have said never again to drilling in State waters.

Now, I can't give the Senator an answer to his question, but I have seen Exxon Valdez, and I have seen the great damage that has been done in my home State, as we study what happened in Santa Barbara. It is fortunate we don't have much offshore drilling in my State anymore, so I would be happy to have my friend put that in the RECORD.

Mr. WARNER. I thank my colleague.

Mr. President, I ask unanimous consent to have printed in the RECORD the following from the National Academy of Sciences, a very trusted and respected objective organization. According to their studies, less than 1 percent of petroleum seepage comes from drilling and extraction activity—63 percent, conversely, comes from natural seepage; 32 percent from cars, boats, and other sources; and 4 percent from transportation.

So I just have to say this is workable.

Mr. MENENDEZ. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. MENENDEZ. I will not ultimately object, but I would note that it is not just the potential from drilling and it is not just the potential of oil spills from drilling. I have listed in my remarks a series of other consequences environmentally from drilling, but it is also the consequence of when drilling takes place and then we have, during hurricane seasons, the consequences to those drill rigs and how that can create a disruption.

So there are many facets that are involved that are not addressed by the National Academy of Sciences information. But as it relates to the Senator's unanimous consent request, I will withdraw my objection so that he may enter that into the RECORD, and I will reclaim my time.

Mr. WARNER. Well, then, I would say to both colleagues, if I could, lastly, put the question to both colleagues, because this is intrinsic to the debate: Is it your position that the United States of America shall never permit its several States to ever, ever, ever drill offshore, be it east coast, west coast? And, somehow, I don't know how you rationalize it, we will let the gulf do it, but we won't let the two coasts do it?

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. WARNER. If I could have my colleague answer that question.

Mrs. BOXER. I will wait in line. It is his time.

Mr. MENENDEZ. Reclaiming my time, I appreciate the dialogue, and if the Senator from California would like to respond, I will yield to her.

Mrs. BOXER. I would. I want to be very clear—very clear. I support drilling where it makes sense to drill. I oppose drilling where it doesn't make sense. I submit to my friend and to the Senate and to the American people that we made a very wise bipartisan decision a long time ago—and I think we should stick to it—that the fact is, it is important for the economy of the coastal States to keep and preserve the coast in the pristine nature in which it was given to us by God. That is my view, and I hope we will not support this amendment.

Mr. MENENDEZ. Mr. President, reclaiming my time, I see my colleague from the State of Florida is here, and he has a lot of experience in the situation, so I will be happy to yield to him for his comments.

Mr. NELSON of Florida. Mr. President, I thank the Senator, and while the chairman is here and while the distinguished Senator from Virginia is here, for whom, he knows, I have the utmost respect, I want to point out very respectfully to the Senator that the statistics that he just indicated from the National Academy of Sciences do not take into consideration the natural disasters that occur, such as hurricanes.

As a result of the 2005 hurricanes all along the gulf coast, oil rigs upended, and there were oil slicks on the beaches and the shores of Louisiana. We have innumerable photographs of pelicans and other birds completely covered. So there is the fact on the Atlantic coast and the gulf coast of hurricanes.

The other thing I wanted to point out to the distinguished chairman because someone will argue that the Senator from Virginia is only proposing gas drilling, as the Senator from California knows, it was a gas well off of Santa Barbara three decades ago that suddenly spilled all of that oil, from which came this moratorium that was placed on the Continental Shelf of the United States.

Now, with regard to the point of the distinguished Senators from Virginia about drilling in the gulf but not off the rest—

Mr. WARNER. Parliamentary inquiry, Mr. President: I believe the Senator from New Jersey has the floor, and I believe the rules do not permit him—

Mr. NELSON of Florida. He yielded to me.

Mr. WARNER. I think he yielded for the purpose of a question, not to your right to the floor. Just a technicality, but I think we ought to—

The PRESIDING OFFICER. The Senator from New Jersey has the floor. The Senator from New Jersey may yield for a question.

Mr. WARNER. That is right, but, Mr. President, I don't hear the question. I hear a speech. That is fine. I think we want to hear the speech. I don't wish to deny him the right to speak, but let us at least follow parliamentary procedure.

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. Mr. President, if the Senator from New Jersey will yield.

Mr. MENENDEZ. I will be happy to yield.

Mr. NELSON of Florida. I will put it in the form of a question. But the Senator from Virginia knows that this Senator did not object when he did not make his remarks in the form of a question.

Now, my question to the Senator from New Jersey would be, since this Senator was one of the people who crafted with other Senators the compromise off the Gulf of Mexico last year, giving—I might remind the Senator from Virginia—twice as much area to drill but was kept off the State of Florida for the purposes that we have been discussing, but for another reason was kept off, and that was the U.S. military—the largest training and testing area in the world—would the Senator from New Jersey be surprised to know that the Department of Defense, Department of Navy, has objected to the drilling that the Senator from Virginia has proposed off of his coast?

I read specifically a letter dated April 10, 2006, from the Assistant Secretary of the Navy:

We have considerable concern, however, with the proposed lease sale areas within the Mid-Atlantic Planning Area off the coast of Virginia.

It goes on to reaffirm:

Because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning location.

I would further ask the Senator from New Jersey, does he not remember that was one of the strongest arguments that this Senator made in designing the area that could be drilled in the Gulf of Mexico, basically off of Alabama and Louisiana and keeping it away from the training and testing area where the live ordnance and the testing of new weapons is?

Then, because of that, would it surprise the Senator from New Jersey that one of the most eminent supporters of the U.S. military—the Senator from Virginia, the person whose knee I have sat at and learned so much as the former chairman of the Senate Armed Services Committee—would now be in contradiction with the request of the U.S. military? Would the Senator believe what I just said?

Mr. MENENDEZ. Well, I appreciate the Senator from Florida asking a question and raising a concern. I expressed it in my comments. I am familiar with the letter of the Department of Defense to the Minerals Management Service of the Department of the Interior that made clear that drilling off the coast of Virginia would interfere with the DOD's training and testing exercises, and it went on for a variety of reasons and then concluded by saying:

Because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning area.

So, yes, I am aware, and it is an additional concern. However, I know the Senator from Virginia has an exceptional record, which we all admire, in his support of the Nation's military forces. I am sure that somehow he believed he could overcome that objection. Nonetheless, it is an objection on the record in addition to the objections of States such as my own.

What I hope, in reality, is that the second-degree amendment I have offered to the amendment from the Senator from Virginia would be accepted and we could move forward because it still would allow Virginia to move forward, but it would give those States whose coastline is within 100 miles of the coastal waters of Virginia the real opportunity to work between States to come to a mutually satisfactory conclusion. I think that is a reasonable effort to try to achieve some compromise.

I know the Senator from Virginia raised previously with the chair of the Environment Committee: Well, does it mean that we shouldn't drill anywhere else? Well, the gulf coast had already

been drilling. It had been well established. But there is a reason there is a moratorium for other parts of the country, and the distinguished Senator from Florida wanted to preserve what is a critical part of the Florida coastline, which means so much to Florida's economy and to all of us who visit, as Americans, the great State of Florida—what it means to us as Americans, as one Nation.

Yes, there isn't a one-size-fits-all policy, I say to my friend from Virginia. Just because the gulf coast has for quite some time pursued it, there are limitations, limitations the Senator from Florida created to ensure its coastline.

Last, we talk about the cost. What is the cost of an oilspill? What is the cost of a leakage? What is the cost of the consequences? What is the cost of a hurricane? What is the cost to the other States, not just New Jersey, but the other States within 100 miles of the coastal waters of Virginia?

I believe our amendment allows Virginia to move forward, but it has to move forward in concert with those States that can most profoundly be hurt, potentially, as is recognized by the amendment of the Senator by virtue of the fact of creating a fund for damage, so they can work together and come to a conclusion.

In the absence of that amendment being accepted, I have to notify the body that this is such a critical issue to my State and to others along the Outer Continental Shelf that this Senator is willing to spend as much time on the floor as is necessary to pursue the full discussion of this matter and, if necessary, to raise it to a 60-vote level because it is that critical an issue.

I thank the Senator from Florida for his observations. I thank him for his leadership in this regard, both past and present.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I wonder if I might reply to my good friend for a minute, and I will then likewise yield the floor so my colleague from Florida, my good friend, can continue in his own right.

First, I think I have worked out with the Department of Defense an answer to your question. I simply do not have with me at this time the documents, so therefore I am going to have to indulge the Senate by either laying my amendment aside or some other parliamentary procedure to let the Senate go forward until I can come back with that. I thank the Senator for bringing that up because it is an important consideration. We have a significant command there, the Atlantic Command.

I wish to go to the amendment of my good friend and read the last paragraph:

Requirement.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coast waters of the State—

presumably the State making the petition—

have approved the petition.

That gives all the Governors a veto power on this; Mr. President, would that be correct? I pose that as a question to my colleague.

Mr. MENENDEZ. I am happy to answer. What it is is an opportunity for those Governors within 100 miles of the coastal waters of the State of Virginia to work together to ensure that their interests are protected and maybe come to a collaborative approach as to how it might be done, which the Senator from Virginia does not, under his amendment, permit in any way whatsoever.

Mr. WARNER. There is a difference between the amendments. My amendment generally states the Secretary of the Interior, who is the final arbiter of this whole issue, would entertain the petitions from the several Governors, whatever geographic area, as he, the Secretary of Interior, makes a decision.

But I think the Senator has gone a step too far. If there is anything left of States' rights after this sort of paragraph, I don't know what it would be. Listen to what you say:

The Secretary [Interior] shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

It doesn't say anything about working it out. It is flat veto power put in the hands of such Governors within 100 miles.

Mr. MENENDEZ. If I can respond to my friend from Virginia, I would say under the amendment of the distinguished Senator, clearly there are no States' rights for those States that will be affected by the amendment of the Senator. Second, there can be no negotiation of any consequence if there is not some sound footing under which one can negotiate. If you have no right, then there is very little to negotiate.

Mr. WARNER. Mr. President, I am enjoying this debate, perhaps to educate the Senate. But I bring up another situation to my good friend who has recently joined this body. I don't know how many times I have gone to the floor and contested the right of the several States north of my State, largely, to ship through Virginia thousands of tons of garbage by truck, by rail, leaking, exuding methane gas in my State.

You have the good fortune of a clause in the Constitution on interstate commerce, by which you can throw up your hands and say it is the exercise of that constitutional power. You say my State cannot object to your shipping garbage through it every day. The Senator knows New Jersey ships through 1,000 tons of it. Yet you are saying to me, we cannot go through a process—working with the Federal Government of the United States and the Department of Interior—to drill offshore unless your Governor and all others, any

one of the Governors within 100 States—if he has not given the approval, this thing stops?

Mr. MENENDEZ. If the Senator will yield, first of all it is all Governors within 100 miles, not 100 States.

Mr. WARNER. No, 100 miles.

Mr. MENENDEZ. But the distinguished Senator from Virginia has a very significant port operation in his State, and his trucks come through the interstate into the State of New Jersey and do quite a bit of damage on the roads of New Jersey along the way, in terms of the wear and tear, in terms of the movement of its product. Some of that product is not the most fanciful product we might all enjoy. That is the collectivity of our consequence as a Nation.

There is a reason there is a moratorium that we, collectively as a body, the Congress, have adopted for 25 years. The distinguished Senator, whom I admire so much on so many issues, wants to aggregate what the Congress has done as a body for his State, without recognizing there are consequences to others. I simply offer an amendment that says we will allow Virginia to do what they want, but they must do it in concert with those within 100 miles of its territorial waters. I didn't say the whole eastern seaboard but within 100 miles of its territorial waters, to make sure those States rights are not affected.

Mr. WARNER. Mr. President, "in concert" to me means entrusting to the Secretary of that department of our Federal system, by which the power resides, to grant or deny the license. That Secretary has to arbitrate the concerns of all Governors within 100 miles of this drilling, so to speak. I thought that is the only procedure I know. But I think you have gone to an extreme. You put an absolute veto power in.

At this time, I would like to advise my colleague that, in consultation with the managers of the bill, I would like to lay my amendment aside until I can give a definitive answer to the Senator from Florida. I think I have it worked out in the Pentagon, but I need to provide you with the documents to manifest that resolution.

I will put in a quorum call at this time, such that the managers can advise me.

I will withhold that if the Senator wishes to speak.

Mr. NELSON of Florida. I will only speak briefly, since the distinguished Senator from Virginia is going to lay his amendment aside. But I point out, when he does bring forth the documentation from the Department of Defense, it needs to answer the Assistant Secretary of the Navy's admonition:

... but because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning location.

Further, I remind the two Senators involved in this colloquy—the Senator

from New Jersey and the Senator from Virginia—one of the reasons we crafted the compromise last year that we did, that still allowed drilling in the central gulf area and indeed allowed more acres of drilling than had originally been sought, was we constructed it not only so it was far away from the pristine beaches of Florida, which are so necessary to our economy, that it did not intrude upon the military testing and training area, which is essential to the preparation for the defense of this country, but that in addition, we consulted all the nautical charts to find the currents so that if an oilspill occurred, it would lessen the likelihood that the currents would carry it to the coastline.

As the Senator talks as if 100 miles is some statute of the Holy Grail, I would simply say that what should be the concern, since Virginia happens to be close to North Carolina and South Carolina and also happens to be close to Maryland and Delaware and New Jersey—that what clearly ought to be considered are the water currents, the ocean currents, instead of an arbitrary question of miles.

Mr. WARNER. Mr. President, in reply to the question of my good friend, I remember that very well. As a matter of fact, he and I worked on that. I remember breaking out the charts in the Armed Services Committee and looking how the aircraft and everything would operate and the ships in that area. You are well spoken and well taken on that.

But I have to tell you, Senator, face to face, things have changed. Every day, things change. We have to reexamine, periodically, that framework of laws that have protected our environment, to a certain extent, in the light of our growing desperate needs for energy and the growing capability of our industrial base to do the drilling, to do the extraction in such a way as to minimally put at risk our environment.

I do not take a backseat to any person in this Chamber with regard to my fervor in protecting the environment. I don't want to be called a tree hugger, but I am one step removed. I work on that Environment Committee, where I have now served 24 years or something—I don't know, a long time.

Mr. NELSON of Florida. The Senator certainly doesn't take a backseat to anyone in this Chamber in his protection of the interests of the U.S. military.

Mr. WARNER. That is correct. But the military can't do a broad sweep. I know what is underlying this thing. I have to get the papers here. There are certain navigational aspects of it, certain electronic aspects, but the military can't say no drilling on the east coast.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Florida.

Mr. NELSON of Florida. Madam President, I further point out to the Senators involved in this debate that

this Senator's perspective certainly agrees with that of the Senator, that we have to produce the energy we have to produce. But the problem is, what has changed and what ought to be changed, I say to the Senator from Virginia—the distinguished senior Senator from Virginia, for whom I have great affection and respect—is that the policy of this country has been drill, drill, drill for too long. It is time for us to break that psychology and start moving into alternative fuels other than oil.

This Senator from Virginia knows full well, as well as anybody else, there is this precarious flow of oil from all foreign ports, including the very hazardous port I visited in Nigeria, which is virtually unprotected to any kind of terrorist activity and from which this country gets 12 percent of its daily consumption of oil, from that one nation, Nigeria.

The problem has been the past and the present policy attempted not to be changed, this mindset of drill, drill, when, if we keep that up, we will not do what we have to do to protect ourselves; that is, break this dependence, wean ourselves from this dependence on oil.

So I am sure, with the eminent intelligence and salubrious nature of the Senator from Virginia, we can work this out.

Mr. WARNER. I hope it works out my way, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

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

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

AMENDMENT NO. 1568

Mr. TESTER. Madam President, I know there is at least one amendment pending on the floor. I want to speak about a different amendment, but I am not going to call it up. I only want to talk about it with hopes that it will be called up in the near future and be given the kind of consideration we do here in the Senate, and hopefully get it put on this energy bill we are discussing. It is the geothermal initiative amendment.

I first thank my colleagues Senators BINGAMAN, REID, MURKOWSKI, STEVENS, SALAZAR, AKAKA, SANDERS, SNOWE, and HATCH for cosponsoring this amendment. It is all about geothermal energy. It is what geothermal energy can be as far as a key component to our Nation's energy security, and how it can help contribute to a national renewable electricity standard.

I have to point out that when we talk about the RPS amendment, the renewable portfolio standard amendment Senator BINGAMAN has, it seems as though the conversation always re-

volves around wind when, in fact, we ought to be talking about a lot more than wind.

One of those things is geothermal energy. Geothermal energy is something that is clean, it is efficient, it is, in fact, renewable and can fight climate change. Once again, this amendment will do several things to help our geothermal energy potential: It supports research and development, development and demonstration of commercial applications of geothermal energy projects, it supports State cooperative development programs, and it supports research and development of commercially viable applications. It advances high pressure and high temperature drilling so we can get into the zones that best have geothermal potential, and it prioritizes discovering and characterization of geothermal resources.

If you take a look at the map we have here of the United States, you take a look at this, and in the light green, or the lime green, I should say, is where we have less ability to have geothermal activity. The darker the green into the orange and red is where we have more potential. Through this bill we can help develop that potential and through an assessment determine where most of our ability to get geothermal energy is. I think it is quite extensive. As you can see, it is nationwide.

This amendment also has a national geothermal assessment component to it. The last time we had a comprehensive assessment for geothermal energy was back in 1978. We have got far better technology now, and we need to do it right this time.

Unfortunately, this assessment program did not receive funding to complete the assessment. But this amendment will provide the funding to give us the assessment. Take a look at the map of the United States. Take a look at the map of Montana. You can see once again we have tremendous ability for geothermal development here and in the Southwest. I live right here. It is blue. I can tell you from oil wells that were drilled over 60 or 70 years ago, there is geothermal potential there, but we do not know about it because we have not done the assessment for so long. It doesn't even show up. So there are a lot of areas around the country, I believe, where geothermal will work and help create our energy independence in a long-term energy policy.

This bill also gives assistance to academic institutions and State governmental agencies, particularly in the intermountain west and Alaska. These are institutions that are teaming up with businesses to get pipes in the ground.

Ultimately, we will have the ability, through this amendment, to maximize our ability to have geothermal energy to contribute to our electricity supply, heating supply, and other energy needs in this country.

A couple of months ago I had the opportunity to meet with President

Grimsson of Iceland. Twenty-seven percent of their electricity comes from geothermal resources. Of course, in Iceland that makes sense. Eighty-seven percent of their homes are heated with geothermal heat. They even lay pipes in the ground to melt the roads and keep them free of snow in the winter-time. It is something that has already been done and that we can do here in this country. It does not apply just to Montana, it applies to the entire country, and we can have our geothermal resources developed. Montana has great geothermal resources, but we need to have an overall geothermal policy that maximizes our ability to draw energy from the heat in the ground, not only in places such as Montana, but also in places such as Arizona, Louisiana, Texas, Maine, and New Hampshire, and just about every State in the Union.

I will tell you this amendment is a bipartisan amendment. It is innovative, in that we have not even begun to tap our potential for geothermal energy in this country, and it is clean.

I would encourage all of the Members of this body, when this geothermal amendment comes to the floor, that we give it good consideration and attach it to the bill so we can have geothermal energy be a significant part of our energy future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

Mr. OBAMA. Madam President, I recognize we are in the midst of a debate surrounding the Outer Continental Shelf.

I would ask unanimous consent to speak briefly as in morning business on a related but different topic.

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

Mr. OBAMA. Madam President, the facts about our Nation's energy consumption are not pretty right now. The United States currently consumes one-quarter of the world's oil. Sixty percent of the oil we consume comes from foreign countries, including many countries whose interests are hostile to us.

To make matters worse, the oil used in the U.S. transportation sector accounts for one-third of our Nation's emissions of greenhouse gases. It is long past time for us to take significant steps to use oil more efficiently in order to deal with the dual challenges of climate change and energy dependence.

In January of this year, California took an important first step toward addressing this problem by establishing a

low-carbon fuel standard for passenger vehicle fuels sold in the State. Under the California standard, the carbon intensity of these fuels would be reduced by 10 percent by the year 2020.

In signing the executive order creating the low carbon fuel standard, Governor Schwarzenegger noted some of the dangers of his State's excessive reliance on gasoline: volatile oil prices dictated by hostile foreign countries, lack of economic security, American jobs at risk, businesses in jeopardy, and, most importantly, dangerous levels of greenhouse gas emissions. I applauded the Governor's leadership on this issue and want to take his proposal one giant step further.

Today, I rise to suggest that it is time for us to establish a national low carbon fuel standard for the entire transportation fuel pool in the country, whether the fuel is used for cars, trucks, or airplanes. I recognize we will not be able to move this necessarily on the legislation currently pending, but it is important for us to introduce the concept. I have already spoken to Senator BINGAMAN.

If my proposal were to become law, by the year 2015, the carbon emissions in our national fuel supply would be 5 percent less than they are now. By the year 2020, the carbon emissions would be 10 percent less. The effect of these seemingly modest reductions would be significant. According to one estimate, a national low carbon fuel standard would reduce annual greenhouse gas emissions by about 180 metric tons in 2020. This is the equivalent of taking 30 million cars off the road by 2020.

My amendment would reduce carbon emissions overall in the transportation fuel pool, but it would not dictate what feedstocks could satisfy the low carbon fuel standard or how many gallons of a particular fuel would have to be produced. Instead, fuels could be mixed and matched to achieve the carbon reduction targets. In essence, the market would dictate what pool of fuels would be sold in the United States in order to satisfy requirements. The fuels could be corn-based ethanol, cellulosic ethanol, biodiesel made from soybeans, electricity used by plug-in hybrid vehicles, or perhaps some kind of fuel that has not even been developed yet. The only requirement is that the overall mix of fuels sold in the United States would have to meet the carbon reduction targets set forth in my proposal.

This is a new concept. Indeed, fewer than 6 months have passed since California adopted it. I know some of my colleagues are not familiar with how it would work, so let me address the relationship between the low carbon fuel standard and something we know a lot about, the renewable fuels standard.

Under the able leadership of the two Senators from New Mexico, the Energy Committee has crafted the underlying bill to require greater volumes of biofuels in our national fuel supply. The bill increases national production goals in the RFS over the next 15 years

and establishes the first production targets of next-generation fuels such as cellulose. Under the bill, the RFS target would increase to 36 billion gallons of renewable fuels by the year 2022. When combined with the new advanced biofuels requirement in the bill, this would result in an estimated 2 to 6 percent reduction in carbon emissions in our national fuel pool in 15 years. These are significant reductions, but I believe we can do better.

My low carbon fuel standard would require a 10-percent reduction in carbon emissions by 2020. I know that sounds ambitious, but the magnitude of our Nation's problems demands bold and innovative action. Indeed, the experts with whom we have consulted firmly believe that a 10-percent reduction is realistic, with greater research in advanced biofuels and new fuel sources. But that research will only happen if businesses are assured of a market for their new products. Just as the existing RFS has spurred the construction of ethanol plants, a low carbon fuel standard would incentivize development of new advanced fuels.

We in Congress support biofuels because these fuels strengthen our energy security, support our rural economies, and reduce our greenhouse gas emissions. But our current policy doesn't recognize producers when they do a better job achieving these goals. Our farmers, manufacturers, and investors are ready to produce better biofuels, fuels that are more efficient, fuels that support a broader base of rural communities, fuels that reduce greenhouse gases by 90 percent or more, but they need a signal that their investment in better performance will be recognized in the marketplace.

Let me be clear: A low carbon fuel standard is not intended to replace the RFS. Instead, the two standards would complement each other by encouraging greater use of renewable fuels. Here is an important difference between the two standards: The RFS evaluates renewable fuel based on the feedstock that creates the fuel, while the low carbon fuel standard looks at the carbon emissions produced by the fuel. That is an important distinction as we wrestle with perhaps the greatest challenge of our generation—climate change.

Going forward, it is not enough just to say that a fuel uses homegrown products such as corn or soybeans. We also need to look at what effect the fuel has on carbon emissions. This amendment does that and, in doing so, offers something for everyone. If you support rural America, this approach ensures widespread development and use of biofuels from agricultural products. If you support energy security, this approach reduces our consumption of oil by 30 billion gallons by 2020, 60 percent of which would have to be imported from foreign sources. If you support certainty for industry, this approach provides the market certainty that is critical for investment dollars in key technologies. Most importantly,

if you support the environment, this approach reduces carbon emissions by 180 metric tons by 2020 and ensures that any future billion-dollar capital investment in a fuel plant would have to produce a fuel with better life-cycle greenhouse gas emissions than conventional gasoline because under a low carbon fuel standard there would be no place for carbon-intensive fuels.

The energy debate this week underscores the fact that as we pursue the best course of action for our energy independence, there are no perfect answers. There is no single fuel or feedstock that offers the best combination of affordability, reliability, transportability, and sensitivity to the environment. Even if there were, I am not sure we in this Chamber would be the most qualified to identify it. But our current course; that is, maintaining our dependency on an unstable region of the world for the fuel we cannot live without, is far too great a risk to delay action. That requires us to take aggressive action that will set the stage for the second and third generation of fuels that will truly help us achieve energy independence and fight global warming. A low carbon fuel standard accomplishes these goals.

Finally, let me say a word to my colleagues about climate change. I know that when it comes to the word "carbon," the range of views among my colleagues is varied and complex. I am among those Senators who believe carbon from human activities contributes to climate change, that it is an immediate threat, and that we must immediately require emission reductions through a strong cap-and-trade system. Others among my colleagues agree with some type of carbon-controlled economy but disagree with the various legislative approaches to date. Still others believe the climate is in no imminent danger.

The approach I have suggested here today addresses carbon, but it allows my colleagues to maintain their differences on the larger debate of climate change while coming together to achieve progress on all our multiple policy goals, whether it is ending our energy dependence, attacking the problem of climate change, promoting economic stability, or creating American jobs. I am aware this proposal may be a little bit ahead of its time, but given the magnitude of our problems, we can't afford to be too cautious in our policy solutions.

I am going to be urging my colleagues to learn more about this approach. I have talked to Senator BINGAMAN. I will be talking to Senator BOXER as well. My hope is that if we are not able to introduce this amendment during the current debate, we reserve time when we have a debate on dealing with global warming and climate change to ensure that this approach gets full consideration.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KOHL. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be recognized to call up amendment No. 1519; that once the amendment is reported by number, I be recognized to speak in reference to the amendment; that the amendment then be set aside, and Senator DEMINT then be recognized to call up his amendment No. 1546, and that once Senator DEMINT concludes his statement, the amendment be set aside; and that prior to Senator DEMINT being recognized, Senator BYRD be recognized to speak as in morning business; and that the DeMint amendment be called up after I conclude my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. KOHL. Thank you very much, Madam President.

AMENDMENT NO. 1519 TO AMENDMENT NO. 1502

Today, Madam President, I rise to offer an amendment with Senators SPECTER, LEAHY, GRASSLEY, BIDEN, SNOWE, FEINGOLD, COBURN, SCHUMER, DURBIN, BOXER, LIEBERMAN, and SANDERS, which will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. Government to fight back on the price of oil and to hold OPEC accountable when it does act illegally. Our amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix prices in violation of the most basic principles of free competition.

Our amendment—identical to my NOPEC bill, S. 879; legislation that now has 14 cosponsors—will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this legislation in each Congress since 2000. This legislation has passed the Judiciary Committee unanimously four times since it was first introduced, including this April, and in 2005 passed the full Senate by voice vote as an amendment to that year's energy bill before being stripped from that bill in the conference committee. Last month, companion House legislation passed the other body by an overwhelming 345 to 72 vote. It is now time for us to at last pass this legislation into law and give our Nation a long-needed tool to counteract this pernicious and anticonsumer conspiracy.

Throughout the last 2 years since we last considered this measure on the

Senate floor, consumers all across the Nation have watched gas prices rise to previously unimagined levels. As crude oil prices exceeded \$40, then \$50, and then \$60 per barrel, retail prices of gasoline over \$3 per gallon have now become commonplace. While prices have temporarily receded from time to time, the general trend is consistently, and significantly, upwards. Gas prices have now increased 77 cents per gallon just since the start of the year to a national average of \$3.07 per gallon, which is an increase of more than 30 percent.

As we consider gas price changes, one fact has remained consistent—any move downwards in price ends as soon as OPEC decides to cut production. Referring to the 18 percent rise in worldwide crude oil prices since the start of the year, OPEC President Mohammed al-Hamli commented "we had a bad situation at the beginning of the year. It is much better now." The difference was OPEC's decision last fall to enforce combined output cuts of 1.7 million barrels of oil a day in order to drive up the price of crude oil. And while OPEC enjoys its newfound riches, the average American consumer suffers every time he or she visits the gas pump or pays a home heating bill. The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is simply the result of changes in the cost of crude oil.

So there is no doubt that the price of crude oil dances to the tune set by OPEC members. Such blatantly anti-competitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. If private companies engaged in such an international price fixing conspiracy, there would be no question that it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

For years, this price fixing conspiracy of OPEC nations has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in Government has yet tried to take any action. This amendment will, for the first time, establish clearly and plainly that when a group of competing oil producers such as the OPEC nations act together to restrict supply or set prices, then they are violating U.S. law. The amendment will not authorize private lawsuits, but it will authorize the Attorney General to file suit under the antitrust laws for redress.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

The suffering of consumers across the Nation in the last few years has made me and many others more certain than ever that this legislation is necessary. I urge my colleagues to support this

amendment so that our Nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations. The Senate should now join with 345 of our colleagues in the House of Representatives and vote to add the NOPEC legislation to the Energy bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. BIDEN, Ms. SNOWE, Mr. FEINGOLD, Mr. SCHUMER, Mr. COBURN, Mr. DURBIN, Mr. LIEBERMAN, Mrs. BOXER, Mr. SANDERS, and Ms. KLOBUCHAR, proposes an amendment numbered 1519 to amendment No. 1502.

The amendment is as follows:

(Purpose: To amend the Sherman Act to make oil-producing and exporting cartels illegal)

At the appropriate place, insert the following:

SEC. ____ . NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2007.

(a) **SHORT TITLE.**—This section may be cited as the “No Oil Producing and Exporting Cartels Act of 2007” or “NOPEC”.

(b) **SHERMAN ACT.**—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

“SEC. 7A. OIL PRODUCING CARTELS.

“(a) **IN GENERAL.**—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

“(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

“(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

“(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product; when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

“(b) **SOVEREIGN IMMUNITY.**—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

“(c) **INAPPLICABILITY OF ACT OF STATE DOCTRINE.**—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

“(d) **ENFORCEMENT.**—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.”.

(c) **SOVEREIGN IMMUNITY.**—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “or” after the semicolon;

(2) in paragraph (7), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(8) in which the action is brought under section 7A of the Sherman Act.”.

Mr. LEAHY. Madam President, I am proud to join Senator KOHL in sup-

porting his amendment to the Energy Act. Under Senator KOHL’s leadership, the NOPEC bill has passed unanimously out of the Senate Judiciary Committee without amendment in four separate Congresses, under both Democratic and Republican leadership.

This NOPEC amendment will hold accountable certain oil producing nations for their collusive behavior that has artificially reduced the supply and inflated the price of fuel. Unless this amendment becomes law, consumers across the Nation will continue to suffer.

According to a recent Washington Post article, gas prices last month came within a half-penny of the modern era’s inflation-adjusted record set in 1981. The rise and fall of oil and gas prices has a direct impact on American consumers and our economy.

Prices have come down slightly in recent weeks, but that is no reason to condone anticompetitive conduct by foreign government cartels. American consumers should not be held economic hostage to the whim of colluding foreign governments.

Just a few days ago, the Associated Press reported Iran’s oil minister’s statement that the members of OPEC would not release more oil into the market. This, despite reports that demand is on the rise. Without collusion, OPEC members would compete to serve that demand and prices at home would fall.

When entities engage in anticompetitive conduct that harms the American consumers, it is the responsibility of the Department of Justice to investigate and prosecute. It is wrong to let members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments. I am disappointed that the administration, which announced it would oppose this bill, does not share this view.

NOPEC has bipartisan, bicameral support. The Senate Judiciary Committee approved it unanimously, and the House passed it with 345 Members voting for it.

We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. It is long past time for Congress to act. I thank Senator KOHL for his leadership on this issue.

AMENDMENT NO. 1546 TO AMENDMENT NO. 1502

Mr. KOHL. Madam President, at this time I ask unanimous consent that Senate amendment No. 1546 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DEMINT, proposes an amendment numbered 1546 to amendment No. 1502.

Mr. KOHL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that legislation that would increase the national average fuel prices for automobiles is subject to a point of order in the Senate)

At the appropriate place, insert the following:

SEC. ____ . LIMITATIONS ON LEGISLATION THAT WOULD INCREASE NATIONAL AVERAGE FUEL PRICES FOR AUTOMOBILES.

(a) **POINT OF ORDER.**—

(1) **IN GENERAL.**—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average fuel price for automobiles, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) **DETERMINATION.**—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average fuel price for automobiles.

(3) **LEGISLATION.**—In this section the term “legislation” means a bill, joint resolution, amendment, motion, or conference report.

(b) **WAIVERS AND APPEALS.**—

(1) **WAIVERS.**—Before the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) **APPEALS.**—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) **DEBATE.**—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

The Senator from West Virginia is recognized.

(The remarks of Mr. BYRD are printed in today’s RECORD under “Morning Business.”)

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, parliamentary inquiry: What is the regular order?

The PRESIDING OFFICER. Amendment 1546, the Kohl amendment, on behalf of Senator DEMINT, is the pending amendment.

AMENDMENT NO. 1572 TO AMENDMENT NO. 1502

Mr. SALAZAR. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1572.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee has reserved the right to object.

The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, while my colleagues are seeing if they can work out the objection, let me proceed to speak about this amendment.

The amendment I hope to call up is amendment No. 1572, and it is an amendment which is part of—

Mr. ALEXANDER. Madam President, if the Senator will yield.

Mr. SALAZAR. I yield.

Mr. ALEXANDER. The Senator has a worthy amendment of which I am proud to be a cosponsor. At the moment we are checking with Senator DOMENICI, so if at this point the Senator wishes to speak to his amendment and give us a few minutes, we would appreciate that.

Mr. SALAZAR. That will be fine. I appreciate the Senator from Tennessee and his leadership, not only on these issues, but also on park issues and so many other issues that he has spent a long career working on in behalf of our country.

The amendment No. 1572, which I have introduced with my colleagues Senator BAYH, Senator ALEXANDER, Senator LIEBERMAN, Senator BROWNBACK, Senator COLEMAN, Senator CANTWELL, Senator LINCOLN, Senator CLINTON, and Senator BIDEN, is an important amendment to move us forward in our vision of energy independence and to set America free from the addiction we have on imported oil. The amendment we have here is part of the DRIVE Act, which is sponsored by a group of 26 Senators, a true bipartisan coalition which has wanted to move forward in our efforts to set America free from our addiction to foreign oil.

The DRIVE electric amendment will make better use of the electricity in the transportation sector by spurring development and deployment of plug-in hybrid electric vehicles and by promoting oil savings at key transportation hubs, including airports and truckstops. The amendment we are offering today will move us toward our oil savings targets included in this bill by making better use of electric in the transportation sector.

Currently, it is our cars, trucks, boats, planes, and trains which account for about two-thirds of the Nation's oil consumption. The easiest way to save oil and reduce our dependence on imports is to first improve the efficiency of our vehicles, which we are doing in the underlying bill in a number of ways, especially by raising the CAFE standards and helping manufacturers refuel their vehicle fleets; secondly, by replacing the oil-based fuels that power our vehicles with energy from other sources.

The amendment we are offering today will help substitute electric for oil in the transportation sector in two ways. First, this amendment encourages commonsense oil-saving electrification measures at truckstops, ports, and airports. Our amendment directs the Secretary of Energy, in coordination with the Secretary of Transportation and EPA, to create a revolving loan and grant program to support the electrification of these transportation hubs.

You would be surprised at how much oil we can save through these simple measures. For example, truckers must rest 10 hours after driving for 11 hours. When they do this, they often park at truckstops, leaving their engines idling to power heaters, air-conditioners, TVs, or refrigerators. This overnight idling by long-haul trucks consumes around 20 million barrels of oil per year. The solution is very simple: You simply give truckers the option of plugging their trucks into an electrical outlet to power their systems while they are stopped at these truck stops. The EPA today estimates that this measure alone would save around \$3,240 in fuel costs per truck parking space per year. We can take similar measures at airports and seaports to improve efficiency of handling cargo, refrigerating goods, and powering vehicles. Our amendment helps transportation hubs make these oil- and cost-saving investments.

The second way in which our amendment improves the use of electricity in the transportation sector is through the development and deployment of plug-in hybrid and electric drive technologies.

The National Renewable Energy Lab in Golden, CO recently conducted a simulation to assess the capabilities of plug-in hybrid electric technology. The simulation showed that a plug-in hybrid electric vehicle fleet with modest technological capabilities would double the fuel economy of a conventional fleet, with less than half the energy costs per mile.

Detroit is on the cusp of offering these plug-in hybrid electric vehicles to consumers across the Nation and across the world. Some of the prototypes are far more advanced than those which NREL studied and would get over 100 miles to the gallon, with energy cost to the consumer that is equivalent to around 75 cents per gallon of gas. These plug-in hybrid vehicles are a building block of our new energy economy, and we should be doing more to push these technologies out the door. Americans will benefit from these plug-in hybrid electric vehicles with lower costs and reduced emissions.

While the underlying bill would allow for basic and applied energy storage research, the amendment we are proposing would also establish an electric drive transportation research and development program. That program would stimulate research into high-efficiency

onboard and offboard charging components, high-power and energy-efficient drivetrain systems, powertrain development and integration, the use of advanced materials technology, and several other areas that are key to getting electric and plug-in hybrid vehicles to the American consumer.

Our amendment will also help prepare utility companies to handle the added load these new vehicles will place on the electrical grid. We have directed the Secretary of Energy and EPA to work with the utilities to develop low-cost, simple methods of using off-peak electricity and better managing on-peak use to support a growing fleet of electric drive vehicles.

These investments in research and preparation of our electrical grid will usher in an era when all assumptions about how we power our cars and trucks will change. We will see oil consumption, emissions, and costs fall, and we will see a new way of innovation and design, with American engineers leading the charge.

So that America gets out front on the development of this electric drive revolution, we are creating a nationwide education program for electric drive transportation technology. The amendment will provide financial assistance to create new university-level degree programs for needed engineers, support student plug-in hybrid electric vehicle competitions, and promote other educational initiatives. We believe American minds can and should power this electric drive revolution so that our best and brightest are delivering the next generation of American cars to consumers.

I am proud of how far we have already come on the Energy bill that is before us today. Chairman BINGAMAN and Senator DOMENICI, along with the leaders of the Environment and Public Works Committee, the Commerce Committee, and the Finance Committee, have done yeoman's labor over the last 5 months to get us to where we are today.

The DRIVE Act electric amendment will magnify the positive impacts of this bill and accelerate the arrival of a clean energy future in which all Americans can access plug-in hybrid technologies that save them gas and money.

I urge my colleagues to support this bipartisan amendment which, again, has the cosponsorship of Senator LIEBERMAN, Senator BROWNBACK, Senator COLEMAN, Senator CANTWELL, Senator LINCOLN, Senator CLINTON, Senator BIDEN, and my colleague from Tennessee, Senator ALEXANDER.

Madam President, I inquire of my friend from Tennessee if I can call up my amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, if I can say to the Senator through the Chair, the Senator still would like to have a chance to talk with Senator DOMENICI. In the meantime, both Senators WARNER and DEMINT have brief

statements they would like to make. We are working quickly on Senator SALAZAR's amendment.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 1566, AS MODIFIED

Mr. WARNER. Madam President, I call for the regular order, and I believe that will make my amendment pending. I send to the desk a modification. I have a right to modify my amendment.

The PRESIDING OFFICER. The Senator has that right, and the amendment will be so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____ . AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

"(I) DEFINITIONS.—In this subsection:

"(A) ATLANTIC COASTAL STATE.—The term 'Atlantic Coastal State' means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida

"(B) GOVERNOR.—The term 'Governor' means the Governor of the State.

"(C) QUALIFIED REVENUES.—The term 'qualified revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

"(D) STATE.—The term 'State' means the State of Virginia.

"(2) PETITION.—

"(A) IN GENERAL.—The Governor may submit to the Secretary—

"(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

"(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

"(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

"(3) ACTION BY SECRETARY.—

"(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

"(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

"(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation sup-

porting extraction for natural gas in the coastal zone of the State.

"(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

"(E) COMMENTS FROM ATLANTIC COASTAL STATES.—On receipt of a petition under paragraph (2), the Secretary shall—

"(i) provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition; and

"(ii) take into consideration, but not be bound by, any comments received under clause (i).

"(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

"(A) 50 percent of qualified revenues in the general fund of the Treasury; and

"(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

"(i) 75 percent to the State;

"(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601-5); and

"(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

"(I) reasonably foreseeable; or

"(II) caused by negligence, natural disasters, or other acts."

SEC. ____

No extraction or exploration plan under this provision shall be accepted by the Secretary of the Interior if the Secretary of Defense determines that such a plan is inconsistent with critical military test or training activities off the Virginia coast.

Mr. WARNER. Madam President, I should like to read it for the benefit of those following the debate. The modification is as follows. A new section is added to my amendment:

(5) No extraction or exploration plan under this provision shall be accepted by the Secretary of the Interior if the Secretary of Defense determines that such a plan is inconsistent with critical military test or training activities off the Virginia coast.

The distinguished Senator from Florida referred to a letter he read regarding the concerns the Department of the Navy—and most specifically, the Office of the Assistant Secretary of the Navy—had with regard to the ability of this body to enact legislation which presumably would result in the Department of Defense finding that something was done inconsistent with our national security interests. So this modification corrects that so that the Secretary of the Interior, acting under my amendment, would not take any such action unless he had the concurrence of the Secretary of Defense.

I also have discovered, since the colloquy between Senator NELSON of Florida and myself, a letter which was written subsequent to the letter he had and addressed the Senate. This letter addresses a modification to the letter of April 10, 2006. This letter was written on November 27, 2006, and it states the following:

Notwithstanding the above, the Department is willing to discuss with you—

That is, the Department of Interior—possible alternatives that may provide opportunities for exploration and potential joint use of the Mid-Atlantic area consistent with the critical military test and training activities in this area.

The letter goes on to say:

Our departments—

That is, the Department of Defense and the Department of the Interior—have worked closely together over the years to insure a continuing successful leasing program with a manageable impact on defense operations. We agree that oil and gas development on the Outer Continental Shelf must strike a balance between our Nation's energy and national security goals. As the administration moves forward on a plan to best meet the Nation's oil and gas energy needs for 2007 to 2012, we look forward to working with you to ensure its success.

Clearly, this indicates that with all good intention my colleague from Florida read the older letter which is now amended substantially by a subsequent letter that the Department of Defense will work with the Secretary of Interior to make certain that any action with respect to drilling off the coast of Virginia is not inconsistent with national defense requirements.

Madam President, I am perfectly willing to accommodate the managers as to how best they want to proceed on a vote. I hope I can get my amendment up this afternoon for purposes of a vote, but I leave that to the discretion of the managers.

I yield the floor, and I thank the Chair for her courtesy.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Virginia is pending. He called for the regular order.

AMENDMENT NO. 1546

Mr. DEMINT. Madam President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 1546. It is pending.

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

Mr. DEMINT. I understand the amendment is pending.

Madam President, my amendment will make it harder for this body to enact legislation that increases the price of gasoline. That may sound unneeded in a debate where the whole purpose is to supposedly relax the price of gasoline in this country, lower the price for our consumers. The whole bill is supposedly aimed at providing stable and affordable energy, including gasoline for all American citizens; however, I am disappointed that this bill actually does nothing to reduce prices and may very well show that Congress will propose policies that would raise the prices of gasoline in the future.

Specifically, there is nothing in the bill to ensure Congress will not enact legislation that actually increases the

cost of gasoline. At the very least, this Senate should take a "do no harm" approach to legislating and enact safeguards to ensure that we do not increase the cost of gasoline for American consumers. My amendment will do just that. It is very straightforward. It would require that the Congressional Budget Office evaluate legislation and determine whether it would increase the cost of gasoline. If the legislation does increase the cost of gasoline, a 60-vote point of order would lie against the bill. This applies the same principles we use in the congressional budget process to energy policy.

The traveling public is coping with high prices of gasoline every day, and while there are many factors out of our control that are forcing up the cost of gasoline, we can control what we do in the Senate.

I know some of my colleagues may support policies that would raise the price of gasoline and, consequently, raise the point of order that I am proposing, but I encourage them to amend this bill anyway. If the policy they are proposing is important enough, then this body will come together with more than 60 votes to pass their bill.

We can adopt this commonsense proposal which ensures that at the very least, the Senate is less likely to increase the cost of gasoline as we seek to improve the Nation's energy policy.

I thank the Chair for this time. I encourage my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1572 TO AMENDMENT NO. 1502

(Purpose: To reduce United States dependence on foreign oil by promoting the development of plug-in electric vehicles, deploying near-term programs to electrify the transportation sector, and including electric drive vehicles in the fleet purchasing programs)

Mr. SALAZAR. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1572.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. BAYH, Mr. BROWNBAC, Mr. LIEBERMAN, Mr. COLEMAN, Ms. CANTWELL, Mrs. LINCOLN, Mrs. CLINTON, and Mr. BIDEN, proposes an amendment numbered 1572 to amendment No. 1502.

Mr. SALAZAR. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mr. SALAZAR. Madam President, I ask unanimous consent that Senator BROWNBAC be recognized to speak on this amendment for up to 10 minutes, and following Senator BROWNBAC, then to hear from Senator CARDIN for up to 10 minutes.

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

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBAC. Madam President, I thank my colleague from Colorado for this recognition. I am a cosponsor of this amendment, and he is the lead sponsor of the drive electric amendment. This is an exciting bipartisan proposal. It has 26 cosponsors. It does one narrow issue, but it is a big one, and that is this: It gives consumers another option in the marketplace.

Right now, we are 97 percent dependent on oil for our transportation fuel. We are trying to expand that into ethanol, having more ethanol in the marketplace, and I think that is key. What this amendment focuses on is getting another option out there, a great one—it is an electric option—and to put it forward so we can have more transportation running off electricity. I think one of the key things for us to do in our future is to be able to reduce our consumption of oil, particularly foreign oil, and one of the key ways for us to do that is to have our transportation fleet become more electric—a plug-in technology where you plug the car in at night in the garage and you drive the next day. About half of the Nation doesn't drive over 30 miles a day. Having plug-in cars that can go that first 30 miles off electricity and then switch over, I would hope, to ethanol, E85 ethanol at that point, in fact, could reduce aggressively, substantially, and quickly our dependence on foreign oil.

This amendment is a part of an overall strategy that a number of us have put forward. One of the amendments of this strategy was passed on Monday, where an oil savings plan was put forward and accepted by this body in the overall bill.

Let me go to the specifics of this particular bill, if I could, and I know the Senator from Colorado will get to these more in depth, but the DRIVE electric amendment would expand the advanced transportation technology program in H.R. 6 and augment the energy storage competitiveness program in section 244 of the bill. The funding of \$125 million would be authorized for the near-term deployment, market assessment, and the electricity usage provisions of the amendment.

The point of this is, if we are to rapidly expand plug-in technology, where the car is driven initially, or the pick-up is driven initially off of electricity and then on to gasoline or ethanol, we need to get storage technology in the batteries. We need to get drive train technology to be able to do this, and it is within reach. I talked to a representative of General Motors yesterday about having the first wave of plug-in cars in the marketplace as soon as possibly 2008 or 2009.

These are exciting prospects, but you have clear hurdles that we have to overcome in the process. Those are identified in this bill, and we provide funding for the research in those areas

to go forward. We also urge the Federal Government in fleet acquisition programs to establish under the Energy Policy Act of 1992 an assurance that fleet operators subject to that law can choose electric drive transportation technology, including hybrid electric vehicles, for compliance.

This amendment is endorsed by a large group, certainly electric companies, as you might suspect, but also others interested in stretching our fuel usage, our oil usage in this country, and getting it from other sources. I might point out, too, one of the things people ask about: OK, if you are going to switch to electric, you are going to have to build more power-generating units, and that may happen in the future. But initially we can handle this by using the power grid we have now in offpeak hours.

Most of the plug-ins will happen at night. Most of the recharging will happen at night. So you don't have to build additional capacity to be able to do this. It is good for the environment, reducing our CO₂ emissions overall into the atmosphere, and it is good for the economy. It develops a new way of moving forward on personal transportation on a mass quantity basis for us to be able to do it in this society and then sell that technology globally. So it helps our car manufacturers to be able to compete.

I think this is a win all the way around, and I am delighted to be a cosponsor of the amendment with my colleague from Colorado, Senator SALAZAR, and many others.

I would urge my colleagues to adopt this amendment as a key provision to how we become energy secure in the next 15 years, while at the same time growing our economy and helping the environment. All together it is an exciting and excellent amendment, and I urge my colleagues to support it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I ask unanimous consent that Senator KLOBUCHAR be added as a cosponsor to this amendment.

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

Mr. SALAZAR. Madam President, I thank my friend from Kansas for his great statement with respect to the DRIVE electric amendment, and I also recognize that he was one of the original members of the whole coalition that put together this DRIVE Act and was part of implementing the principles of the Set America Free Coalition.

Madam President, I yield the floor to my friend from Maryland, Mr. CARDIN, who is up next.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 1566

Mr. CARDIN. Madam President, let me thank my friend from Colorado for his courtesy.

This Nation needs energy independence for many reasons. We need it for

our national security. We should not be making decisions on foreign policy based upon our oil needs from countries that disagree with our foreign policy objectives.

We need energy independence for economic reasons. Today, we held a hearing in the Committee on Small Business and pointed out the dangers to our economy because of the unpredictability of gasoline prices.

We need energy independence because of environmental issues. For this reason, I want to emphasize why I have great respect for my colleague from our neighboring State of Virginia, but I very much disagree with the amendment that he has submitted, and I urge my colleagues to reject the Warner amendment.

For 25 years, the Outer Continental Shelf moratorium and the long-standing Presidential OSC withdrawals have protected our coasts. There are several reasons I oppose the Warner amendment. Virginia and Maryland are neighboring States, and we share a lot. We share a coast, we share the Chesapeake Bay, and we share a special way of life because of the Chesapeake Bay.

The coast and the bay are critically important to our region because of tourism, because of commercial and recreational sports fishing, because of the real estate impacts, and because of the quality of life. Billions of dollars in our economy depend upon the health of our coasts, and many jobs are dependent upon what we do in protecting our shores.

Gas drilling presents an unacceptable risk, and we should not allow it to take place. I heard my friend say this is a Virginia issue. No, it is not a Virginia issue. It will have a direct impact, or could have a direct impact on my State of Maryland and on neighboring States. Liquid gas condensed is highly toxic to marine life. Waste discharges, mud spills, everything you can conceive of related to drilling presents a true risk to the environment in my State and surrounding States. We don't need to incur this type of a risk.

Now, we don't have to look very far to see what has happened historically with spills. In 2002, there was a spill 150 miles—not 50 miles but 150 miles—off the coast of Spain. It affected 1,000 beaches in Spain and France. If there is a spill during unpredictable weather, it can be transmitted hundreds of miles and can affect an entire region. So this is a very important decision we are making as to whether to open up drilling along the Virginia coast, which will affect our entire east coast of the United States.

The main tragedy is that we don't need to do this. We can't drill our way to energy independence. The United States has but 5 percent of the world's reserves in oil and gas. That is not the way we are going to be able to achieve energy independence. The bill that we have before us is a balanced bill. It recognizes first and foremost that we need to become energy independent through

efficiency, saving energy use, using less energy in our buildings, using less energy in transportation, and conserving our energy use. That is the first way to do it.

On alternative and renewable energy sources, yes, we can achieve a lot toward energy independence, and we also should be doing a lot more in research to determine ways in which we can use energy more efficiently and produce more alternative and renewable energy sources. But we are not going to drill our way out of our energy problems.

As I said in the beginning, energy independence is important for our security, for our economy, and our environment. I believe the Warner amendment will take us a step backwards in trying to make sure as we present policies to make us energy independent that we also protect our environment. I urge my colleagues to reject the Warner amendment.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

GENERAL PETER PACE

Mr. INHOFE. Madam President, the other day I saw something—and I should have it with me but I don't now—in the media that was critical of GEN Peter Pace, the outgoing Chairman of the Joint Chiefs of Staff. When I think of words to describe Peter Pace, the words that come to my mind are always loyalty and honor. Those happen to be the words of the United States Marine Corps. These are their watch words.

Peter Pace is today, and has always been, a true marine—the first marine to serve as both the Vice Chairman and Chairman of the Joint Chiefs of Staff. He is loyal to this country, its people, and to the men and women who wear the uniform of its Armed Forces.

He served this country with honor as a rifle platoon leader in Vietnam. He has done everything: a marine commander in Somalia, commander of U.S. Marine forces in the Atlantic, commander of the U.S. Southern Command, and then Vice Chairman of the Joint Chiefs of Staff.

As Chairman, he has led our military during one of the most critical times in history, fighting in wars against terrorists in Afghanistan and Iraq, engaged throughout the world providing support and aid to our allies and friends.

I have long been, and still am, a real fan of Peter Pace, and I cannot think of one military leader I have known in

the 21 years I have served on the House Armed Services and the Senate Armed Services Committees who is a greater American than Peter Pace. Let me just pay this tribute to him today as one great marine and one great American.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1623 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. I ask unanimous consent to proceed as in morning business.

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

Mr. BROWN. Madam President, today we are considering the Energy bill. When you talk about energy policy, you think about—you almost can't separate it from trade policy, from manufacturing policy, from what is happening to American jobs and American industry. American manufacturing has been a bedrock of our country's strength and prosperity for much of this country's existence, certainly for the last century and a half. Our current trade policy has caused our Nation to hemorrhage manufacturing jobs and devastated communities in my home State of Ohio and across the Nation. Last week, Senator STABENOW and others participated in a manufacturing summit with leaders from Government and industry, trying to figure out how we remain competitive, how we shape trade and tax policies to help, not hurt, our small companies or medium-size manufacturers.

I live in a state, from Steubenville to Toledo, from Ashtabula to Dayton, where job loss has way too often been the order of the day—manufacturing jobs lost, often jobs going to Mexico when plants close, often jobs outsourced to China—so often devastating communities. When a plant shuts down in Lima or Mansfield or Zanesville or Marion, that is not just a loss to those workers or to those families, but it is layoffs of firefighters and police officers; it is fewer schoolteachers to teach children in those communities where parents may have lost their jobs. It is pretty clear as a Nation we need to fight back.

When I look at what this Energy bill can be about and the leadership of Senator BINGAMAN and what he is doing with this energy legislation, I think about Oberlin College. Oberlin College, a school in northern Colorado, is the site of the largest building on any campus in America that is fully powered by solar energy. Yet the solar panels in Oberlin College to power this solar building, this building on Oberlin's

campus, were all purchased in Japan and Germany because we don't make enough of them in this country.

The same can be said for wind turbines. As we have begun to construct wind turbine fields around the country, looking at places such as Lake Erie and the Great Plains and other places, we know that most of the components for these wind turbines are built abroad. That is something where a manufacturing policy and an energy policy come together.

At the same time, we have seen across the hall, in the House of Representatives, a move afoot with the Bush administration to pass two more trade deals, a trade agreement with Panama and a trade agreement with Peru. The trade policy in this country—you have to wonder how many more trade deals are we going to pass before the powers that be in the White House understand our trade policy has failed? Fourteen or fifteen years ago, when I ran for Congress, we had a trade deficit in this country of \$38 billion. Today that trade deficit exceeds \$700 billion. It is a growth of almost 20 times.

To understand in some sense what a \$38 billion trade deficit that a decade and a half later is a \$700-plus billion trade deficit means, think about it in these terms. The first President Bush said a billion dollar trade deficit translates into 13,000 lost jobs. Do the math and you can see why we have had the devastation across particularly the industrial Midwest, but also every State in this country has lost significant manufacturing jobs. Five million manufacturing jobs have been lost during the Bush administration, hundreds of thousands of those in Ohio, in places such as Bryan and places such as Portsmouth, in places such as Xenia and Springfield.

The President said he is willing to sign now a trade agreement with Peru and Panama, with labor and environmental standards in those trade agreements. That was the announcement the President recently made, the U.S. Trade Representative recently made. But go back and look. We have a history with this administration of not doing what they promised in trade agreements. Go back to an administration before, the North American Free Trade Agreement. They passed labor/environmental standards as a side agreement in those trade agreements, something probably they plan to do with Peru and Panama. Those side agreements for labor and environmental standards in the end meant absolutely nothing.

Then go back to the year 2000, where both Houses of Congress passed—I supported it—the trade agreement with Jordan. That trade agreement had strong labor and environmental standards. But one of the first things President Bush's Trade Representative did—back then it was Robert Zoellick—was to send a letter with the Jordanians regarding dispute resolution, saying they

would not enforce, telling the Jordanian Government they were not going to make them enforce their labor and environmental standards.

What happened, you got a good trade agreement with strong labor and environmental standards with Jordan. When you don't enforce those standards, you end up with Jordan being a sweatshop and an export platform, with mostly Bangladeshi workers imported into Jordan, making textiles and apparel, mostly apparel, sewing clothes, as a sweatshop that simply violated all we say we stand for with American values and all we said we stood for in this trade agreement.

The point is, before we pass trade agreements, we need labor and environmental standards at the core of the agreement; we need commitment from the administration that they will, in fact, unlike in the past, enforce these labor and environmental standards; and we need benchmarks—as Senator DORGAN has said many times, benchmarks that allow us to gauge whether these trade agreements serve our national interest. We pass a trade agreement, and we then begin to measure its success. Does it mean more jobs or fewer jobs for American workers? Does it mean a trade increase in the trade deficit or does it mean a shrinking of the trade deficit? Does it mean an increase in income or does it mean stagnant incomes, as we have seen for so many American workers?

We know profits are up. We know salaries are up for top management. But we also know wages for most American workers—especially manufacturing workers but most American workers—have been flat. This was brought home to me at Senator STABENOW's manufacturing summit a week or so ago when John Colm, a businessman from Cleveland, handed me a stack of auction notices about this high. There were 47 of them he had received since December 2006. These were auction notices from small companies which were selling off their assets in machinery, which were cannibalizing their plants, selling off at rock-bottom prices because they can't compete with cheap imports and can't compete because of this unlevel playing field because of trade agreements and because of tax law in this country that is simply so uneven.

That is why, before we consider trade promotion authority, before we consider the Peru or Panama trade agreements, before we consider Colombia or South Korea trade agreements, we have to ask ourselves the question: Are these trade agreements fair to American workers? Will they help our communities? Will they help us strengthen the middle class or will these trade agreements continue to contribute to an exploding trade deficit, to lost jobs, to devastating communities all over my State of Ohio and all over the country? That is the fundamental question on trade policy—what does it do to strengthen the middle class? If it fails that test, these trade agreements should fail in the Senate.

We will hear more in the upcoming months about these trade agreements and about U.S. trade policy and how we cannot just oppose bad trade agreements but bring forward trade agreements with benchmarks that help American workers and help to strengthen the middle class.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BROWN.) The Senator from Minnesota is recognized.

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

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

AMENDMENT NO. 1557

Ms. KLOBUCHAR. Mr. President, I am here to make some brief comments about amendment No. 1557, which was introduced today. I spoke about this earlier, but it had not yet been accepted and introduced.

I appreciate that Senator SNOWE, one of the coauthors on this amendment, also spoke. I wish to thank the other authors of this amendment. That would be Senator BINGAMAN, who is managing this Energy bill, as well as Senators CARPER, COLEMAN, KERRY, and BOXER.

This amendment is a very important one. It establishes a national greenhouse gas registry that will gather and consolidate consistent, transparent, and reliable data on greenhouse gas emissions.

Now, it may not be the most exiting amendment that is being introduced today or this week, but it is a very important one. The reason we need this amendment is we actually do not have mandatory reporting right now for greenhouse gas emissions. I think that is surprising for people. If you were to ask what are some of the largest emitters of greenhouse gasses, you would not be able to easily find that information. Recently, a reporter for National Public Radio tried to find out that answer. She was unable to do it.

Although most electric powerplants already report their carbon dioxide emissions to the EPA, this only represents 37 percent of total U.S. greenhouse gas emissions that are reported. As for the remaining greenhouse gas emissions data, the Department of Energy and the EPA collect data on energy production and consumption; however, the quantity and the quality of this data collected vary significantly across different fuels and different sectors. For example, data on crude oil and petroleum products is collected weekly from selected oil companies, while data on the industrial sector is collected only once every 3 years through surveys. In some cases, Federal agencies collect the data themselves, while in other cases data is collected through voluntary reports. This

inconsistency in approaches has resulted in a lack of comparability of reported emissions from company to company within specific economic sectors, as well as the lack of comparability of results from reporting program to reporting program.

Many people have called for a national registry. Currently, as you know, 31 States have asked for some type of registry. They have actually joined together and tried to create their own national registry because of inaction by the Federal Government. I cannot think of a better example when you have 31 States banding together when, in fact, they would prefer a national registry with the EPA. That is why these States are interested in a national registry.

We also have some significant businesses which would like to see a registry such as this. They have come together as part of the U.S. Climate Action Partnership. They have urged Congress to fast-track a greenhouse gas inventory and registry. They actually did this back in January of this year. We still see no action. These are companies such as Boston Scientific, BP America, Caterpillar, Deere and Company, Dow Chemical, Duke Energy, DuPont. It is time to act.

Justice Brandeis once talked about how the States were the laboratories of democracy and how one courageous State can go ahead and do things and experiment and set an example for the Nation. Well, that is happening right now across this country. He never meant, however, for the Federal Government to be complacent.

This is a simple piece of legislation with bipartisan support. It is time to act. This is the bill to do it. We can get the accurate data. It does not dictate the policy with greenhouse gas emissions. We will have as many policy choices as we do now; the difference is we will get this national greenhouse gas registry in place, not for small business, as there is an exemption, but for our largest emitters of greenhouse gases so that we can have accurate information with which to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 1566 AND 1578

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the time until 5:20 today be for debate with respect to the Warner amendment, No. 1566, and the Menendez amendment, No. 1578, with the time to run concurrently and be equally divided and controlled between Senators WARNER and MENENDEZ or their designees; that the Menendez amendment be modified to be a first-degree amendment; that no amendment be in order to either amendment prior to the vote; that each amendment must receive 60 affirmative votes to be agreed to; and that if each amendment fails to receive 60 affirmative votes, it will be withdrawn; provided further that the first vote occur with respect to the Warner amendment; that if the

Warner amendment does not receive 60 votes, then the Menendez amendment, as modified, be withdrawn; that at 5:20 today, the Senate proceed to vote in relation to the Warner amendment without further intervening action or debate; provided further that Senator LAUTENBERG control up to 5 minutes.

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

The amendment No. 1578), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____ . AVAILABILITY OF CERTAIN AREAS FOR LEASING.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

(q) AVAILABILITY OF CERTAIN AREAS FOR LEASING.—

“(1) DEFINITIONS.—In this subsection:

“(A) ATLANTIC COASTAL STATE.—The term ‘Atlantic Coastal State’ means each of the States of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida

“(B) GOVERNOR.—The term ‘Governor’ means the Governor of the State.

“(C) QUALIFIED REVENUES.—The term ‘qualified revenues’ means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for natural gas exploration and extraction activities authorized by the Secretary under this subsection.

“(D) STATE.—The term ‘State’ means the State of Virginia.

“(2) PETITION.—

“(A) IN GENERAL.—The Governor may submit to the Secretary—

“(i) a petition requesting that the Secretary issue leases authorizing the conduct of natural gas exploration activities only to ascertain the presence or absence of a natural gas reserve in any area that is at least 50 miles beyond the coastal zone of the State; and

“(ii) if a petition for exploration by the State described in clause (i) has been approved in accordance with paragraph (3) and the geological finding of the exploration justifies extraction, a second petition requesting that the Secretary issue leases authorizing the conduct of natural gas extraction activities in any area that is at least 50 miles beyond the coastal zone of the State.

“(B) CONTENTS.—In any petition under subparagraph (A), the Governor shall include a detailed plan of the proposed exploration and subsequent extraction activities, as applicable.

“(3) ACTION BY SECRETARY.—

“(A) IN GENERAL.—As soon as practicable after the date of receipt of a petition under paragraph (2), the Secretary shall approve or deny the petition.

“(B) REQUIREMENTS FOR EXPLORATION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(i) unless the State legislature has enacted legislation supporting exploration for natural gas in the coastal zone of the State.

“(C) REQUIREMENTS FOR EXTRACTION.—The Secretary shall not approve a petition submitted under paragraph (2)(A)(ii) unless the State legislature has enacted legislation supporting extraction for natural gas in the coastal zone of the State.

“(D) CONSISTENCY WITH LEGISLATION.—The plan provided in the petition under paragraph (2)(B) shall be consistent with the legislation described in subparagraph (B) or (C), as applicable.

(E) COMMENTS AND APPROVAL FROM OTHER STATES.—

“(i) IN GENERAL.—On receipt of a petition under paragraph (2), the Secretary shall provide Atlantic Coastal States with an opportunity to provide to the Secretary comments on the petition.

“(ii) REQUIREMENT.—The Secretary shall not approve a petition under this paragraph unless the Governors of all States within 100 miles of the coastal waters of the State have approved the petition.

“(4) DISPOSITION OF REVENUES.—Notwithstanding section 9, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

“(A) 50 percent of qualified revenues in the general fund of the Treasury; and

“(B) 50 percent of qualified revenues in a special account in the Treasury from which the Secretary shall disburse—

“(i) 75 percent to the State;

“(ii) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601-5); and

“(iii) 12.5 percent to a reserve fund to be used to mitigate for any environmental damage that occurs as a result of extraction activities authorized under this subsection, regardless of whether the damage is—

“(I) reasonably foreseeable; or

“(II) caused by negligence, natural disasters, or other acts.”.

SEC. ____ .

No extraction or exploration under this provision shall be accepted by the Secretary of the Interior if the Secretary of Defense determines that such a plan is inconsistent with critical military test or training activities off the Virginia coast.

The PRESIDING OFFICER. Who yields time? The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I would like to speak on behalf of my amendment, which presumably will be voted on here in a matter of minutes.

I accept the 60 votes because what I want to do is to have a record of just where the sentiments are among my esteemed colleagues with regard to what I view as an advancement in technology and a worsening of the situation with regard to our energy supply and why these two forces cannot converge in such a manner as to enable a Member of the Senate to acknowledge that a State has a right to utilize those resources on the Continental Shelf off of its shore. It just concerns me greatly. I mean, natural gas is up—a 78 percent increase in price since the year 2000.

My good friend and chairman of the Environment and Public Works Committee got up in her usual eloquent way to explain why she was very much opposed to my amendment. So I went back and did a little homework and determined that California is the second largest consumer of natural gas in the Nation. So I say to my colleague: Where is it going to come from? Where is it going to come from?

Florida. My good friend got up and raised a technical amendment, which momentarily knocked me off stride, but I went back and found documents

which clarify the situation that the Department of Defense will work with the Department of the Interior, and in no way should a petition be filed by the Governor of Virginia for a drilling permit to explore and determine the presence or absence of natural gas off our coast, in no way will that interfere with national security. And that letter is in the record. But he is very much against that. It is interesting; Florida consumes $2\frac{1}{2}$ times the amount of natural gas that Virginia consumes, and New Jersey—my good friend who opposed me on this—consumes twice the amount of natural gas that the State of Virginia consumes.

My State is simply trying to manifest the courage, and thus far two successive Governors have broken ground on this, both of them distinguished members of the Democratic Party. And the State legislatures—coincidentally under the control of Republicans—have indicated Virginia's willingness to look in the direction of drilling offshore.

Our State, I believe, is on the verge of stepping up to accept the responsibility to help this Nation meet its needs to begin to prepare to ward off this energy crisis which is rapidly coming our way.

I thank Virginians. I would hope that given the right of States to make choices for themselves, my colleagues would see fit to recognize the problem of the shortage of energy and the need for States such as ours to step up and help.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, do I have any time constraints?

The PRESIDING OFFICER. Under the previous order, the remaining time is under the control of the Senator from New Jersey.

Mr. DOMENICI. How do I speak if I don't have any time?

I ask unanimous consent to be granted permission to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, if there would be equal time, 10 minutes on each side, I would not object.

Mr. DOMENICI. I am speaking on my own. I am not the proponent. Do you think it is fair that just for my speaking you must speak? If you do, I will have no objection.

The PRESIDING OFFICER. There is a unanimous consent request that there be a vote held at 5:20.

Mr. DOMENICI. I ask unanimous consent that he then have that time. I will take 5 minutes.

Mr. MENENDEZ. Mr. President, am I to assume the unanimous consent request is for 5 minutes additional for each side?

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified?

Mr. DOMENICI. That is fine.

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

The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I say to my good friend, the Senator from Virginia, I sense what is going on here today would indicate you will have a hard time with this amendment and maybe you won't win. But I guarantee you it will not be long before what you espouse here happens. You will once again, as in so many other things, be ahead of the politicians. You will be two steps ahead of those who do things for political reasons around here instead of the many times you have come forth and put your Senate privileges on the line by doing what is right. Your State must be elated with the idea—if they aren't now, they will be—that they will have the option of letting drilling occur 50 miles off the coast. They won't see the drilling unless they have binoculars. So for those who say they are going to see one of these beautiful wells with all of the equipment, they better have binoculars to see it. For those who are worried about a spill, they will have to be grandpas and grandpas and even older than that before they see one, because even with the big earthquakes and the big things that happened in Louisiana, they didn't even get a spill. How are you going to get a spill if you can't get one out of that thing?

So here you come and you say, with natural gas at \$7, feeding all the industries in America—and it does; natural gas feeds the underlying businesses that produce in America—they are all telling us the one thing that is forcing us to do what, to leave America, can you imagine, to be forced to go to another country? It used to be this or that, now it is: We can't afford natural gas. It is so cheap somewhere else, and we have it in abundance on our own property. Offshore is America's property. Here you come with a very innocuous proposal to let the State decide. Then if they say, OK, they, too, have said they are not afraid, then they are going to share in the royalties just like Louisiana and Mississippi. But guess what. The United States is going to share in not only the royalties, they are going to get natural gas for users in America who are desperate. The price used to be \$1 and \$2. You haven't seen that, and you won't see it. It is \$7 for the unit we use. How could some company that uses that for its base industries survive?

If you are in the business of ethanol and running around here bragging about ethanol, let me remind you, the second biggest cost item for turning corn to ethanol, the second biggest cost product is natural gas. Then comes corn. Corn is first and then it. Can you imagine? It itself is making gasoline more expensive, not only natural gas, because we are making gasoline out of corn. Then we are spending a huge amount for the natural gas that

goes into heating it, burning it and all the other things, and we can't even get an amendment adopted here today. I hope I am wrong. It used to be the States that didn't want us to. Now we have somebody else objecting. What is it, other States? We are going to have to go around with a cop and ask the States all around us.

I would hope we would pass the Warner amendment here today. This bill, which has nothing in it to produce anything, would at least turn a little bit toward production. You could put up a flag and say: We have an energy bill, and JOHN WARNER's amendment is the first one that produced any energy of any significance. We would all be glad to see that happen. We hope we have some other amendments that produce before we are finished.

Mr. NELSON of Florida. Mr. President, I understand my colleague, the distinguished Senator from Virginia, has submitted additional correspondence from the Department of Defense and I would like the opportunity to comment on this letter. The Department of Defense routinely provides generic comments, as requested by the Minerals Management Service, on the various steps leading to a Draft Proposed Five-Year OCS Leasing Program, and my friend, Senator WARNER, has apparently quoted, in part, from such a generic comment letter from Donald R. Schregardus, Deputy Assistant Secretary, Environment, of the Department of the Navy.

With all due respect to my colleague Senator WARNER, this letter only provides vague reassurances about the hopeful intent of the Department of the Navy to be able to work out, sometime in the future, remaining military space-use conflicts with proposed MMS OCS leasing activities in various areas.

In Florida, working out such space-use conflicts with military exercise and training areas took several years, and in the end required congressional action, which we completed only last December in this Chamber.

Further, the same letter from the Department of the Navy recently quoted by my colleague Senator WARNER goes on to say, and I quote directly from the letter:

However, the special interest sale proposed for the Mid-Atlantic Region in late 2011 is not acceptable to the Department because of its incompatibility with the military training and testing conducted in this area.

While the Navy's letter goes on to conclude on a conciliatory note, hoping that things can be worked out in the future, such negotiations, as we have experienced in Florida for years, take time, effort, and often, a very long period of time.

We do not think that going forward with my friend Mr. WARNER's amendment at this time, in spite of the continuing clear concerns expressed by the Department of the Navy, is a wise idea at this time.

I yield the floor.

Mr. WARNER. Mr. President, may I thank my colleague for his very thoughtful remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I ask if I may use 1 minute of the time of the Senator from New Jersey.

Mr. MENENDEZ. I am happy to yield to the distinguished Senator from New Mexico.

Mr. BINGAMAN. Let me speak very briefly to oppose the amendment by my friend and colleague from Virginia. In my view there are two reasons why we do not have drilling off the coast of Virginia. No. 1 is that the President, by executive order, has put a moratorium on any drilling off the coast of Virginia or the mid-Atlantic. Second, every year when we pass the Interior appropriations bill, we include in it boilerplate language. We have done it for a couple decades now. It says: No funds provided in this title may be expended by the Department of Interior to conduct oil and natural gas preleasing, leasing, or related activities in the middle Atlantic and south Atlantic planning areas.

If the Senator from Virginia wants to see drilling off the coast of Virginia, he should change this provision when we get to the Interior appropriations bill in 3 or 4 weeks. That is the place to get that changed. If that is not changed, I would say even if the Senator's amendment today were enacted, it would have no force and effect, because no funds could be spent to carry it out. In my view, it should be changed in that respect.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes 40 seconds.

Mr. MENENDEZ. I yield to the senior Senator from New Jersey 5 minutes and reserve the remainder of the time.

The PRESIDING OFFICER. The senior Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank my friend and colleague from New Jersey.

I rise in opposition to the amendment offered by the Senator from Virginia. It is not often I disagree with the Senator from Virginia. I think this is the wrong course. To allow exploration and potential drilling off the coast of Virginia? We are from a State with a coastline that we cherish and must protect with all of our energy. Imagine the devastation an oil or a natural gas spill off the coast of Virginia would cause. New Jersey is only 75 miles from the proposed drilling sites off the coast of Virginia. An oil spill can travel hundreds of miles. For instance, when the Exxon Valdez dumped 11 million gallons of oil in Alaska, the oil traveled 470 miles. I was there within 3 days. It had already traveled hundreds of miles in Alaska. An oil spill from any offshore site off Virginia's coast could easily devastate the shoreline of our State and States up and down the Eastern Seaboard. It could poison the Atlantic and marine life that has made the ocean their home. It would damage our economy enormously. Our coast-

line accounts for approximately \$50 billion a year in tourism every year and supports almost 500,000 jobs.

The Warner amendment calls for offshore exploration and drilling for natural gas. According to the Department of Interior, natural gas is seldom found as a solitary product. Oil is almost always found in those locations. So not only can natural gas have environmental problems, but drilling for natural gas can easily result in puncturing oil deposits and causing major spills.

According to the Department of Interior, approximately 3 million gallons of oil were spilled as a result of offshore drilling between 1980 and 1999. Each of these spills averaged more than 40,000 gallons. The Warner amendment will increase the likelihood of a spill ravaging our beaches. We won't allow New Jersey's coastline and our marine life to be placed at such a risk.

It is not just me who is urging my colleagues to vote against this. The Governors from New Jersey, Delaware, Connecticut, and Maine have written letters to Congress urging this body to act responsibly and not allow drilling off our coasts. The energy we might be able to get there pales in comparison to the damage we could do to our coastlines in a very short time.

Reluctantly, I say to my friend from Virginia, I oppose the amendment. I encourage my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I hope all States within the Outer Continental Shelf understand the passage of the Warner amendment begins the undoing of the moratorium. For if one State is able to do this, the domino effect that could undo the whole basis of the moratorium that has existed for a quarter of a century will begin to be undone.

Secondly, this is not simply about Virginia's waters. These are Federal waters. This is the Federal Outer Continental Shelf. It is a national context in which we look at it. That is why we have a national moratorium.

Thirdly, even the Senator from Virginia recognizes that damage to other States can take place, because he creates a fund in his amendment to mitigate damages that may take place as a result of such drilling. I don't want my State or any other coastal State to have to deal with damages and to mitigate damages. I want to prevent those damages.

Fourthly, anyone who believes we are going to drill for gas and then maybe find oil and plug it up and not pursue the oil is living under a different set of illusions. That is the reality.

Lastly, I ask unanimous consent to have printed in the RECORD the April 10, 2006 letter from the Department of Defense to the Department of the Interior opposing such efforts for drilling off of Virginia.

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

DEPARTMENT OF THE NAVY, THE ASSISTANT SECRETARY OF THE NAVY
Washington, DC, April 10, 2006.

Ms. R. M. "JOHNNIE" BURTON,
Director, Minerals Management Service, Department of the Interior, Washington, DC.

DEAR MS. BURTON: This is in reply to your letter to Secretary Rumsfeld requesting comments on the Department of the Interior's Draft Proposed 5-Year Outer Continental Shelf, OCS, Oil and Gas Leasing Program for 2007-2012. I am responding as the Defense Department's Executive Agent for OCS matters.

The Department of Defense has reviewed the draft proposed program and the seven OCS planning areas proposed for leasing. Based on our review, we foresee no OCS-use conflicts within the lease sale areas proposed for the Alaska Planning Areas, and only minimal conflicts with the proposed lease sale areas within the Gulf of Mexico Planning Areas. We have considerable concern, however, with the proposed lease sale areas within the Mid-Atlantic Planning Area off the coast of Virginia.

Notwithstanding the above, the eastern Gulf of Mexico remains an area of importance to the Department of Defense because of the critical military test and training activities the Department conducts there. These activities, which are intensifying, require large, cleared safety footprints free of any structures on or near the water surface. Because the majority of the new Gulf of Mexico proposed sale area is west of the Military Mission Line, MML, 86° 41'W longitude, the new proposed program should not present unmanageable effects on military test and training. A small area in the southeasternmost portion of the Central Gulf Planning Area crosses the MML, an area that the Secretary of Defense has stated is incompatible with drilling structures and associated development because of the diversity of military testing and training activities conducted there now, and those planned for the future. We therefore request this area be removed from the program. Also, stipulations mirroring those contained in current leases held by the oil/gas lessees will need to be included for new program areas that overlap our Gulf Range Water Test Areas. An example copy of the current stipulations is enclosed.

The draft program option of greatest concern to the Department of Defense involves the special interest sale proposed for the Mid-Atlantic off the coast of Virginia. The proposed area lies within the Virginia Capes, VACAPES, Operations Areas where the Navy's training and test and evaluation community conducts significant activity.

This is the Navy's primary area for weapons separation testing, conducting supersonic flight profiles, and performing target launches in support of acquisition programs and ship qualification testing. It is the designated area, both for test and evaluation and for training missile launches, that requires cleared sea space as an impact area. It is also the Navy's primary area for conducting autonomous underwater vehicle testing from submarines. The VACAPES undersea, surface, and air space areas are critical to the development, fielding and certification of naval weapon systems; as a consequence, the Navy requires unencumbered access to the full expanse of this operations area. The Navy, Army, Air Force, and Marine Corps all use the VACAPES Operations Areas. Training operations that occur in the proposed oil and gas use area include aircraft carrier operations, amphibious vehicles operations, gunnery training, and F/A-18, F-15, F-16 and F-22 guns firings. Any structures built in the water where these types of activities are conducted, particularly low-level gunnery practice and missile separation testing, would restrict where military air wings

can fire their weapons, drive aircraft further away from the coast, increase fuel costs and wear and tear on the airframes, increase flight times enroute to training areas, and increase the risk to aircrews due to the increased distance from emergency recovery bases. Because hazards in this area to operating crews and oil company equipment and structures would be so great, the Department opposes oil and gas development activity in this OCS planning location.

The Navy has compiled an exhaustive and detailed assessment of the type, frequency, and sponsor of activities conducted in the VACAPES Operations Areas. This includes both current and future test activity and training. We are prepared to share this data, should it be necessary, with members of your staff that have appropriate clearances. We have attached for your immediate reference a map of the VACAPES test, evaluation, and training complex and a brief synopsis of the important military activities conducted there.

We support the promotion and production of offshore oil and gas exploration that is critical to our country's energy and national security and look forward to working with you and your staff in the period ahead to ensure success in this area.

DONALD R. SCHREGARDUS,

By direction.

Mr. MENENDEZ. I believe on all of these scores, this is not pursuing the renewable energy sources the underlying bill is all about. This undermines the moratorium on the Outer Continental Shelf. This puts at risk other States. This is not about Virginia alone. This is about the entire Federal Outer Continental Shelf. Other States have interests when one shore can ultimately create consequences on the rest of that coastline. Also the Department of Defense takes the position that it is in opposition. For all of those reasons, it is fitting and appropriate that we oppose the Warner amendment.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent that a letter which superseded the letter to which the Senator from New Jersey referred to be printed in the RECORD.

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

DEPARTMENT OF THE NAVY, OFFICE
OF THE ASSISTANT SECRETARY (IN-
STALLATIONS AND ENVIRONMENT),
Washington, DC, November 27, 2006.

Ms. R.M. "JOHNNIE" BURTON,
Director, Minerals Management Service, Depart-
ment of the Interior, Washington, DC.

DEAR MS. BURTON: This responds to your letter to Secretary Rumsfeld requesting comments on the Department of the Interior's Proposed Program for Outer Continental Shelf Oil and Gas Leasing for 2007-2012 and accompanying Draft Environmental Impact Statement. I am responding for the Secretary in my capacity as the Defense Department's Executive Agent for Outer Continental Shelf matters.

The proposed program is very similar to the draft proposed program that we commented on in our letter to you of April 10, 2006. For the Gulf of Mexico Planning Region, we concur with the proposed program change that excludes from leasing the area east of the military mission line at 86° 41' W longitude. As for the Alaska Planning Region, the Department is neither affected by nor objects to the proposed area reductions

in the North Aleutian Basin and Chukchi Sea. Lastly, the Department supports the Mid-Atlantic Region proposed program changes that exclude the area within 25 miles of the coastline of Virginia and provide a no-obstruction zone from the mouth of the Chesapeake Bay as depicted in Map 9 of the published proposed program. However, the special interest sale proposed for the Mid-Atlantic Region in late 2011 is not acceptable to the Department because of its incompatibility with the military training and testing conducted in this area. Notwithstanding the above, the Department is willing to discuss with you possible alternatives that may provide opportunities for exploration and potential joint use of the Mid-Atlantic area consistent with the critical military test and training activities in this area.

Our departments have worked closely together over the years to ensure a continuing successful leasing program with a manageable impact on defense operations. We agree that oil and gas development on the Outer Continental Shelf must strike a balance between our nation's energy and national security goals. As the Administration moves forward on a plan to best meet the Nation's oil and gas energy needs for 2007 to 2012, we look forward to working with you to ensure its success.

DONALD R. SCHREGARDUS,

Deputy Assistant Secretary (Environment).

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the question is on agreeing to amendment No. 1566, as modified, offered by the senior Senator from Virginia, Mr. WARNER.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Michigan (Mr. LEVIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) and the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

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

The result was announced—yeas 43, nays 44, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—43

Alexander	Brownback	Chambliss
Allard	Bunning	Cochran
Bennett	Burr	Corker
Bond	Carper	Cornyn

Craig	Inhofe	Shelby
Crapo	Isakson	Specter
DeMint	Kyl	Stevens
Domenici	Landrieu	Sununu
Enzi	Lincoln	Thune
Graham	Lott	Vitter
Grassley	Lugar	Voinovich
Gregg	McConnell	Warner
Hagel	Murkowski	Webb
Hatch	Nelson (NE)	
Hutchison	Pryor	

NAYS—44

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Harkin	Reed
Biden	Inouye	Reid
Bingaman	Kennedy	Rockefeller
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Lautenberg	Smith
Cardin	Leahy	Snowe
Casey	Lieberman	Stabenow
Collins	Martinez	Tester
Conrad	McCaskill	Whitehouse
Dole	Menendez	Wyden
Dorgan	Mikulski	

NOT VOTING—12

Clinton	Ensign	McCain
Coburn	Feinstein	Obama
Coleman	Johnson	Roberts
Dodd	Levin	Sessions

The amendment (No. 1566), as modified, was rejected.

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment (No. 1566), as modified, is withdrawn.

Under the previous order, amendment (No. 1578), as modified, is withdrawn.

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

Mr. BINGAMAN. Mr. President, my colleague from New Mexico wishes to make a statement for some of his colleagues before they leave.

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

Mr. DOMENICI. Mr. President, a number of Republican Senators have indicated they are preparing amendments they want to get into this bill. I just want to remind my colleagues that it doesn't seem like it, but time has really been flying. We will be lucky if we are on this bill until Wednesday of next week, and when we come back on Monday, there are no votes. So if you have amendments, you had better get them ready and get them in, or we probably will not have them considered. You tell me about great things when we stand around here and talk, but I don't have your amendments, so it would be good if you have them. I assume Senator BINGAMAN has a similar request, maybe not.

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

Mr. BINGAMAN. Mr. President, I underscore the point that my colleague has made. If Senators do have amendments they want to have seriously considered, they need to get them to us. We will be trying to consider or at least organize amendments tomorrow. We are not having rollcall votes, I have

been informed by the majority leader, either tomorrow or Monday, but we are going to try to process any amendments we can get agreements to move ahead with. We urge Senators to get those amendments to us and get those amendments filed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1572, AS MODIFIED

Mr. BINGAMAN. Mr. President, one amendment that was offered today by Senator SALAZAR on behalf of himself, Senator BAYH, Senator CANTWELL, Senator LINCOLN, Senator CLINTON, Senator BROWBACK, Senator LIEBERMAN, Senator COLEMAN, Senator BIDEN is an amendment related to plug-in hybrids. It is amendment No. 1572, as modified. We have now cleared this with all interested parties on both sides of the aisle. It is my information that it is ready for a vote. I will send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 119, line 1, strike "transportation technology" and insert "vehicles".

On page 121, line 4, after "equipment" insert "and developing new manufacturing processes and material suppliers".

On page 126, strike lines 9 and 10 and insert the following:

(iii) electrode-active materials, including electrolytes and bioelectrolytes;

On page 126, strike lines 12 and 13 and insert the following:

(v) modeling and simulation; and
(vi) thermal behavior and life degradation mechanisms.

On page 130, strike lines 5 through line 13 and insert the following:

(A) DEFINITIONS.—In this subsection:
(A) BATTERY.—The term "battery" means an electrochemical energy storage device powered directly by electrical current.

(B) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term "plug-in electric drive vehicle" means a precommercial vehicle that

(i) draws motive power from a battery with a capacity of at least 4 kilo-watt hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium, or heavy duty onroad or nonroad vehicle.

On page 130, line 16, insert "plug-in" before "electric".

On page 130, strike lines 17 through 21 and insert the following:

(3) ELIGIBILITY.—

(A) IN GENERAL.—A State government, local government, metropolitan transportation authority, air pollution control district, private entity, and nonprofit entity shall be eligible to receive a grant under this subsection.

(B) CERTAIN APPLICANTS.—A battery manufacturer that proposes to supply to an applicant for a grant under this section a battery with a capacity of greater than 1 kilowatt-hour for use in a plug-in electric drive vehicle shall—

(i) ensure that the applicant includes in the application a description of the price of the battery per kilowatt hour;

(ii) on approval by the Secretary of the application, publish, or permit the Secretary to publish, the price described in clause (i); and

(iii) for any order received by the battery manufacturer for at least 1,000 batteries, offer the batteries at that price.

On page 131, line 2, insert "plug-in" before "electric".

Beginning on page 132, strike line 1 and all that follows through page 133, line 9, and insert the following:

(b) NEAR-TERM ELECTRIC DRIVE TRANSPORTATION DEPLOYMENT PROGRAM.—

(1) DEFINITION OF QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—

(A) IN GENERAL.—In this subsection, the term "qualified electric transportation project" means a project that would simultaneously reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum usage by at least 40 percent as compared to commercially available, petroleum-based technologies.

(B) INCLUSIONS.—In this subsection, the term "qualified electric transportation project" includes a project relating to—

(i) shipside or shoreside electrification for vessels;

(ii) truck-stop electrification;

(iii) electric truck refrigeration units;

(iv) battery powered auxiliary power units for trucks;

(v) electric airport ground support equipment;

(vi) electric material and cargo handling equipment;

(vii) electric or dual-mode electric freight rail;

(viii) any distribution upgrades needed to supply electricity to the project; and

(ix) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a program to provide grants and loans to eligible entities for the conduct of qualified electric transportation projects.

(3) GRANTS.—

(A) IN GENERAL.—Of the amounts made available for grants under paragraph (2)—

(i) $\frac{2}{3}$ shall be made available by the Secretary on a competitive basis for qualified electric transportation projects based on the overall cost-effectiveness of a qualified electric transportation project in reducing emissions of criteria pollutants, emissions of greenhouse gases, and petroleum usage; and

(ii) $\frac{1}{3}$ shall be made available by the Secretary for qualified electric transportation projects in the order that the grant applications are received, if the qualified electric transportation projects meet the minimum standard for the reduction of emissions of

criteria pollutants, emissions of greenhouse gases, and petroleum usage described in paragraph (1)(A).

(B) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(C) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this paragraph.

(4) REVOLVING LOAN PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a revolving loan program to provide loans to eligible entities for the conduct of qualified electric transportation projects under paragraph (2).

(B) CRITERIA.—The Secretary shall establish criteria for the provision of loans under this paragraph.

(C) FUNDING.—Of amounts made available to carry out this subsection, the Secretary shall use any amounts not used to provide grants under paragraph (3) to carry out the revolving loan program under this paragraph.

(c) MARKET ASSESSMENT PROGRAM.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary and private industry, shall carry out a program—

(1) to inventory and analyze existing electric drive transportation technologies and hybrid technologies and markets; and

(2) to identify and implement methods of removing barriers for existing and emerging applications of electric drive transportation technologies and hybrid transportation technologies.

(d) ELECTRICITY USAGE PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and private industry, shall carry out a program—

(A) to work with utilities to develop low-cost, simple methods of—

(i) using off-peak electricity; or

(ii) managing on-peak electricity use;

(B) to develop systems and processes—

(i) to enable plug-in electric vehicles to enhance the availability of emergency back-up power for consumers;

(ii) to study and demonstrate the potential value to the electric grid to use the energy stored in the on-board storage systems to improve the efficiency and reliability of the grid generation system; and

(iii) to work with utilities and other interested stakeholders to study and demonstrate the implications of the introduction of plug-in electric vehicles and other types of electric transportation on the production of electricity from renewable resources.

(2) OFF-PEAK ELECTRICITY USAGE GRANTS.—In carrying out the program under paragraph (1), the Secretary shall provide grants to assist eligible public and private electric utilities for the conduct of programs or activities to encourage owners of electric drive transportation technologies—

(A) to use off-peak electricity; or

(B) to have the load managed by the utility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) \$125,000,000 for each of fiscal years 2008 through 2013.

On page 133, between lines 9 and 10, insert the following:

(f) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGIES.—

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term "battery" means an electrochemical energy storage device powered directly by electrical current.

(B) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term "electric drive transportation technology" means—

(i) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(ii) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(I) corded electric equipment linked to transportation or mobile sources of air pollution; and

(II) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(C) ENERGY STORAGE DEVICE.—

(i) IN GENERAL.—The term “energy storage device” means the onboard device used in an on-road or nonroad vehicle to store energy, or a battery, ultracapacitor, compressed air energy storage system, or flywheel used to store energy in a stationary application.

(ii) INCLUSIONS.—The term “energy storage device” includes—

(I) in the case of an electric or hybrid electric or fuel cell vehicle, a battery, ultracapacitor, or similar device; and

(II) in the case of a hybrid hydraulic vehicle, an accumulator or similar device.

(D) ENGINE DOMINANT HYBRID VEHICLE.—The term “engine dominant hybrid vehicle” means an on-road or nonroad vehicle that—

(i) is propelled by an internal combustion engine or heat engine using—

(I) any combustible fuel; and

(II) an on-board, rechargeable energy storage device; and

(ii) has no means of using an off-board source of energy.

(E) NONROAD VEHICLE.—The term “nonroad vehicle” means a vehicle—

(i) powered by—

(I) a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(II) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(ii) that is not a motor vehicle or a vehicle used solely for competition.

(F) PLUG-IN ELECTRIC DRIVE VEHICLE.—In this section, the term “plug-in electric drive vehicle” means a precommercial vehicle that—

(i) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(ii) can be recharged from an external source of electricity for motive power; and

(iii) is a light-, medium-, or heavy-duty onroad or nonroad vehicle.

(2) EVALUATION OF PLUG-IN ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY BENEFITS.—

(A) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, the heads of other appropriate Federal agencies, and appropriate interested stakeholders, shall evaluate and, as appropriate, modify existing test protocols for fuel economy and emissions to ensure that any protocols for electric drive transportation technologies, including plug-in electric drive vehicles, accurately measure the fuel economy and emissions performance of the electric drive transportation technologies.

(B) REQUIREMENTS.—Test protocols (including any modifications to test protocols) for electric drive transportation technologies under subparagraph (A) shall—

(i) be designed to assess the full potential of benefits in terms of reduction of emissions of criteria pollutants, reduction of energy use, and petroleum reduction; and

(ii) consider—

(I) the vehicle and fuel as a system, not just an engine;

(II) nightly off-board charging, as applicable; and

(III) different engine-turn on speed control strategies.

(3) PLUG-IN ELECTRIC DRIVE VEHICLE RESEARCH AND DEVELOPMENT.—The Secretary shall conduct an applied research program for plug-in electric drive vehicle technology and engine dominant hybrid vehicle technology, including—

(A) high-capacity, high-efficiency energy storage devices that, as compared to existing technologies that are in commercial service, have improved life, energy storage capacity, and power delivery capacity;

(B) high-efficiency on-board and off-board charging components;

(C) high-power and energy-efficient drivetrain systems for passenger and commercial vehicles and for nonroad vehicles;

(D) development and integration of control systems and power trains for plug-in electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid vehicles, including—

(i) development of efficient cooling systems;

(ii) analysis and development of control systems that minimize the emissions profile in cases in which clean diesel engines are part of a plug-in hybrid drive system; and

(iii) development of different control systems that optimize for different goals, including—

(I) prolonging energy storage device life;

(II) reduction of petroleum consumption; and

(III) reduction of greenhouse gas emissions;

(E) application of nanomaterial technology to energy storage devices and fuel cell systems; and

(F) use of smart vehicle and grid interconnection devices and software that enable communications between the grid of the future and electric drive transportation technology vehicles.

(4) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(i) teaching materials to secondary schools and high schools; and

(ii) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(B) ELECTRIC VEHICLE COMPETITION.—The program established under subparagraph (A) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the “Dr. Andrew Frank Plug-In Electric Vehicle Competition”.

(C) ENGINEERS.—In carrying out the program established under subparagraph (A), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(i) plug-in electric drive vehicles; and

(ii) other forms of electric drive transportation technology vehicles.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2008 through 2013—

(A) to carry out paragraph (3) \$200,000,000; and

(B) to carry out paragraph (4) \$5,000,000.

(g) COLLABORATION AND MERIT REVIEW.—

(1) COLLABORATION WITH NATIONAL LABORATORIES.—To the maximum extent practicable, National Laboratories shall collaborate with the public, private, and academic sectors and with other National Laboratories in the design, conduct, and dissemination of

the results of programs and activities authorized under this section.

(2) COLLABORATION WITH MOBILE ENERGY STORAGE PROGRAM.—To the maximum extent practicable, the Secretary shall seek to coordinate the stationary and mobile energy storage programs of the Department of the Energy with the programs and activities authorized under this section.

(3) MERIT REVIEW.—Notwithstanding section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), of the amounts made available to carry out this section, not more than 30 percent shall be provided to National Laboratories.

SEC. 246. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

“(a) DEFINITIONS.—In this section:

“(1) FUEL CELL ELECTRIC VEHICLE.—The term ‘fuel cell electric vehicle’ means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

“(2) HYBRID ELECTRIC VEHICLE.—The term ‘hybrid electric vehicle’ means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

“(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term ‘medium- or heavy-duty electric vehicle’ means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

“(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term ‘neighborhood electric vehicle’ means a 4-wheeled on-road or nonroad vehicle that—

“(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

“(B) is propelled by an electric motor and on-board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

“(5) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ‘plug-in hybrid electric vehicle’ means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by any combination of—

“(A) an electric motor and on-board, rechargeable energy storage system capable of operating the vehicle in intermittent or continuous all-electric mode and which is rechargeable using an off-board source of electricity; and

“(B) an internal combustion engine or heat engine using any combustible fuel.”;

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking “The Secretary” and inserting the following:

“(1) ALLOCATION.—The Secretary”; and

(B) by adding at the end the following:

“(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

“(A) allocate credit in an amount to be determined by the Secretary for—

“(i) acquisition of—

“(I) a hybrid electric vehicle;

“(II) a plug-in hybrid electric vehicle;

“(III) a fuel cell electric vehicle;

“(IV) a neighborhood electric vehicle; or

“(V) a medium- or heavy-duty electric vehicle; and

“(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

“(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging

technology relating to any vehicle described in subparagraph (A) to encourage—

- “(i) a reduction in petroleum demand;
- “(ii) technological advancement; and
- “(iii) a reduction in vehicle emissions.”;

(4) in subsection (c) (as redesignated by paragraph (1)), by striking “subsection (a)” and inserting “subsection (b)”;

- (5) by adding at the end the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.”

On page 144, line 8, insert “and the use of 2-wheeled electric drive devices” after “bicycling”.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment, as modified.

The amendment (No. 1572), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I thank my colleague from Alaska for her courtesy in yielding me time to do this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise this evening to speak in support of a bipartisan amendment to provide assistance to geothermal power development. This is the National Geothermal Initiative Act of 2007.

I can really get excited about geothermal. In the State of Alaska, where about 70 percent of our State's communities could theoretically tap into hot water from inside the Earth to produce electricity, the possibilities for us as a State are truly enormous. Alaska has nearly a dozen proposed geothermal projects right now that could proceed if there were additional Federal assistance to help in the identification of specific geothermal well sites or aid in the drilling or perhaps provide assistance to develop the geothermal turbines that operate more efficiently.

We have had great discussion on the Senate floor about the price of fuel, the price of energy. It is truly near record highs. Hot water heated naturally by the Earth supports zero fuel cost. Geothermal power only provides the Nation with three-tenths of 1 percent of its electricity at present. This is because of currently high capital costs of siting and building geothermal plants. Geothermal is not yet a mature technology.

Even though we have been trying to promote geothermal technology for over two decades now, there is still a great deal of work to be done. We have not finished a national geothermal mapping assessment. This was started back in 1978. It was never actually conducted in Alaska. But to be able to identify those areas in this country that hold geothermal potential is extremely important.

MIT recently published a report that suggested that geothermal power holds

the promise of providing low-cost electricity for most of the Nation. Unlike the discussion earlier today where there was debate about wind generation, and some States are blessed with more wind than others, this MIT report suggests that with geothermal there is greater potential in so many parts of the Nation. But the Federal Government—and this is according to the MIT report—the Federal Government would need to increase its research and financial assistance to help prove the new technology. This is the technology to mine the hot rocks or to inject water deeper into the Earth to heat up, rather than simply tapping the natural hot water springs or only heated subsurface water pools closer to the surface where they are known.

What this amendment, the National Geothermal Initiative Act, would do would be to create a geothermal initiative that will lead to the completion of a geothermal resource base assessment by the year 2010. It will encourage demonstration plants to show the full range of geothermal production and push new technology in the engineering of geothermal plants.

Besides restating a Federal commitment to geothermal, this amendment would fund a national exploration and research effort on the development of geothermal information centers.

We had real reason to celebrate in the State of Alaska last year. A local geothermal developer by the name of Bernie Karl—he owns a small geothermal spring resort called Chena Hot Springs. This is about 35 or 40 miles outside of the community of Fairbanks. This natural hot springs has been there for years. There is a nice natural hot springs where you can come and bathe, and in the wintertime it is a wonderful spot for viewing the northern lights, since you are in these beautiful natural hot springs.

But Mr. Karl had a vision that he could take this small resort—they have about 65 beds there—that he could take this resort and power everything by geothermal. He could have the kitchen operating, he could have the lights on in the lodge, and he could go beyond that. He was going to be a self-sustaining resort. He was going to grow his own vegetables. So he built a beautiful greenhouse where they grow, hydroponically, tomatoes and lettuce. Mr. Karl visited me in January and he brought with him some of the produce that he had just picked the day before, in Fairbanks. In January, in Fairbanks and in Chena Hot Springs, he was coming from temperatures of about 40 degrees below zero. He is able to grow this incredible produce in these temperatures with a greenhouse that is completely heated and lighted by geothermal.

Right next door to his greenhouse he has an ice museum.

It is a large museum structure that has everything from knights in shining armor on horses that are larger than life-size, to a bar, a wedding chapel,

bedrooms. The whole thing is an ice palace. He is able to keep it chilled, and you say, well, of course he can keep it chilled in Fairbanks in the winter: it is 40 below zero, but he is able to keep it chilled all throughout the summer using the geothermal energy he has tapped into. This is a remarkable demonstration of what can be done.

You need to understand that the technology he has utilized is not some incredibly difficult and complex technology. He utilized a technology that is designed by United Technologies to produce electricity from relatively cool water. The water that comes from these hot springs is about 160 degrees in temperature. They told Mr. Karl: That is not hot enough to generate the power you need; it needs to be hotter. He did not believe them. He said: I know I can make it work. For just a \$1.5 million Federal grant, work at Chena Hot Springs has confirmed that economic electricity can be generated from relatively low-temperature geothermal resources.

Mr. Karl has taken his initiative even further than what is happening at that small resort. He is saying: I can create more geothermal energy that we can sell down the road, sell into the system down in Fairbanks. But again demonstrating we do have enormous potential, we just need a little bit of assistance in demonstrating this technology. It truly opens the door to so many more communities in Alaska that could potentially benefit from geothermal power.

Right now, besides Chena Hot Springs, there are geothermal projects they are looking at in Akutan; this is down in the Aleutian chain. If you ever look at the Aleutian chain, that long strip of islands off the State of Alaska, it is nothing but a string of volcanoes, enormous potential. There are also opportunities at Mount Spurr near Anchorage. We are looking at a situation within the south central part of the State where our natural gas resource in that area is waning. What better source to go to than Mount Spurr, just across the inlet, for that geothermal power. Near Naknek, there is great potential. At Tenakee Springs in the southeast, Pilgrim's Hot Springs in western Alaska—these are all ready to potentially produce power if there is some Federal assistance to help lower the cost of their development. This bill will also provide help to university-led geothermal research programs and set up a similar program in Alaska to help expand geothermal power.

Now, there are some who will argue that we do not need Federal aid for this, that geothermal is this mature technology, it has been around for a long while. But the new technology development, according to the MIT report, could result in geothermal power providing America with 100 gigawatts of electricity within 50 years, which is a significant portion of its future power needs, without the risk of supply disruption or fuel price fluctuation.

Then, of course, the other issue we are always very cognizant of on this floor is how we care for our environment, how we deal with emissions from our fuel and energy sources. With geothermal power, we do not produce greenhouse gas emissions, we do not release carbon into the environment. There is a significant, a hugely significant advantage given the current concerns over global warming and climate change.

I had an opportunity, not too many weeks back, to meet with the President of Iceland when he was visiting. I know he met with many Members of this body. I talked to the President of Iceland before. Coming from an Arctic environment, we share a lot in common; we like to exchange notes. We have always talked about the geothermal energy in Iceland and how that country has truly turned to that as their primary source of energy generation.

He indicated to me that just in this past year, he has had major corporations, international and national corporations from this country, looking to Iceland to locate their businesses. There used to be a time when countries would look elsewhere to find cheap sources of labor. Well, what companies are looking for now is affordable, reliable, clean energy.

Think about the potential again with geothermal. It is about as reliable as you are going to come across, just this constant bubbling source from underneath. It is absolutely clean. If we can develop the technology, it can be that affordable source.

Right now, we have researchers in the Alaska Aleutians hoping for a Federal grant to test whether new types of unmanned aerial vehicles can be used to pinpoint these geothermal hotspots, the exact spots where wells should be sunk to tap into the hot water resources. For a nominal Federal grant, this technology could be proven up and would save all geothermal projects many millions of dollars in drilling costs. This one project is an example of why and how Federal aid could be very useful.

This amendment would authorize a couple hundred million dollars in Federal funding for all forms of geothermal work over the next 5 years. That is less than what we have authorized for other forms of renewable energy in the Energy Policy Act of 2005 or have proposed for biomass, wind, solar, or hydrogen fuel development in EPAct and in this bill.

You don't hear people talk a lot about geothermal. You hear a great deal right now about wind, you hear a great deal right now about biomass. But we need to recognize the potential, the enormous potential geothermal holds for this country. As you hold it up against all of the other renewable sources, geothermal kind of sits out there all alone, by itself, along with ocean energy, which you are going to have another opportunity to hear me speak on that and the enormous poten-

tial we have with ocean energy. Geothermal and ocean received relatively little Federal assistance in the EPAct 2 years ago, but I believe geothermal is really on the verge of making great things happen in this country.

If we encourage geothermal development, I believe it will pay enormous dividends to the Nation. If we spend the money now to advance that technology, it will help the entire Nation, not just in the West but all across the country.

I urge my colleagues to take a look at the potential for geothermal and recognize that what we would do in this legislation is provide for that very necessary assessment to find out where this exists in terms of the ability to meet our growing energy needs and our desire to find those reliable, affordable, clean sources of energy. I hope my colleagues will endorse assistance to geothermal when this amendment finally comes to a vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

FATHER'S DAY

Mr. BYRD. Mr. President, the Bible admonishes us to "honor thy father and thy mother." Courtesy insists that ladies go first. Last month, the Nation honored mothers with Mother's Day. The ladies were treated to cards, flowers, phone calls, brunches, gifts, and sometimes precious handmade crafts from the preschool set. Retailers urged more extravagant manifestations of our love for our wives and mothers with a dazzling array of usually heart-shaped diamond jewelry, all of which is certainly deserved, even if not always affordable.

This Sunday, June 17, the fathers get their due. Lumpy clay bowls, aftershave lotion and cologne, odd pieces of sports paraphernalia and, of course, neckties in remarkable fashion colors constitute the classic Father's Day gift for the man who has everything. There does not seem to be quite the same level of extravagance in the gift suggestions by merchants, however, perhaps because men do not wear as much jewelry, and golf clubs do not lend themselves to heart shapes. For

that I suppose we can all be grateful. Still, I am sure that most American fathers will enjoy being the center of the family's attention on Sunday. Fathers will enjoy their brunch. Fathers will enjoy a respite from lawn care and other chores. They might even indulge in an afternoon nap, a rare luxury—a rare luxury—for most family men.

Fathers deserve their day in the limelight. Good fathers are very busy men, and their contributions to the family merit recognition, just as much as their equally busy wives do. Good fathers work hard—they do—they work hard to provide for their families, but they also invest a lot of time and energy into the home. They often fulfill the stereotypical "dad role"—they keep the house and the yard in good repair, even if it means tackling mechanical or construction activities for which they have little training. They spend countless hours coaching neighborhood sports teams so that their sons and daughters learn the values of teamwork, leadership, and good sportsmanship. They help with the homework and with assorted school projects, patiently helping to build foaming volcanoes or seaside dioramas. They teach children to set a fishing rod, paddle a canoe, ride a bicycle, or build a dog house. They urge their children to try new things to push themselves harder, to struggle, to win graciously, and to lose with honor. Good fathers want great things for their children. Good fathers help their children to achieve by letting them know that they believe in them. That is a lot to accomplish in a few precious hours between getting home from work and getting to bed each night.

The great man who raised me, the greatest man I ever knew, was my old coal miner dad. I always called him my dad. My adoptive father was just such a good man. He walked to work in the coal mines every day, and he walked home at night. Tired he was, covered with coal dust. Tired as he always was, he always greeted me with a smile, a quick smile. And sometimes he had a cake, a cupcake in his lunch box, and he always saved the cake for me.

He took pride in my school work. Even though I wanted to go into the mines like him, he always told me not to do it, but to do well in school instead. He did not want me in the mines, in those dangerous days of long ago. He wanted better for me than he had. And he put his energy into urging me to do better. His influence on me has been a resource for my whole life. He is the greatest man I ever knew. I have met with Presidents, kings, and princes. He is the greatest man I ever knew.

I was blessed with a good father. I hope that everyone's father is as special to each of you. Fatherhood is a great gift. Fathers gain new responsibilities, but also gain the joys of having children. For children, to have a great father, whether he is one's biological father or one's adoptive father