

role in this country's future. As I indicated, I am going to be adding substantial funding with respect to clean coal technology and the research that is necessary to unlock the capability, the scientific capability, and technology to be able to continue to use our abundant coal resources long into the future.

It makes little difference if we have the equivalent of 600 billion barrels of oil in coal resources if we can't use them. To say we have reserves equivalent to 600 billion barrels of oil, if you can't use that coal, it means very little to this country's future. I believe, when you take a look at the most abundant resource, we need to be able to use it, but I also understand and believe we need to be able to use it in circumstances where we can produce in the future a coal-fired electric generating plant that is a zero-emission plant. I believe that is possible. Now, can we do it tomorrow? Probably not. But I believe that through technology, we can accomplish these things.

The same is true with respect to coal to liquids. I don't believe the debate among those of us who have spoken on this subject today is whether coal to liquids makes sense. It will contribute as a part of our alternative fuels to make us less dependent on foreign sources of oil, and that is something we should all aspire to have happen. But it will also, as we proceed in this direction, require us to have carbon capture and sequestration in a manner that is meaningful.

One of the amendments today will establish a 6-billion-gallon requirement. I believe essentially the same amendment a couple of weeks ago said it should be 21 billion barrels as a mandate or requirement. I don't know where those numbers come from. I just believe, as I think most who have spoken believe, that we have to move in the direction of making coal to liquid work in a way that is compatible with this country's environmental needs.

So I am going to support the Tester amendment. I hope that at the end of the day, we will have received a message here from the debate in this Congress that says: Yes, alternative fuels make sense; coal to liquids makes sense; so, too, do carbon sequestration and carbon capture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to use Senator TESTER's time for up to 5 minutes.

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

#### EMPLOYEE FREE CHOICE ACT

Mr. BROWN. Mr. President, I rise to speak for a moment on the Employee Free Choice Act, the legislation we will be considering this week and legislation which will, frankly, help to build the middle class. That is something I know the Presiding Officer spoke about in Pennsylvania often in the last year, as I did in Ohio.

We know what has happened to manufacturing jobs in this country, many of them good-paying union jobs. In my State, we have lost literally hundreds of thousands of them—more than 3 million in the last 5 years nationally. We know what has happened as profits and wages have gone up in this country—excuse me—as profits and top executive salaries have gone up. We know that for most Americans, their wages have been stagnant. Part of that is the decline of unionization. Poll after poll after poll shows that most people in this country, if presented with the opportunity, would like to join a union, but most are denied that opportunity because of the kind of workplace they are in oftentimes but oftentimes simply because management—employers—is able to beat back any kind of unionization effort.

That is the importance of the Employee Free Choice Act. Let me illustrate by an example. The Presiding Officer and I sit on the Agriculture Committee together and one day back in February, our first month on the job—roughly the first month—we heard from a woman from southwest Ohio who came and testified on food stamps. The food stamp benefit in this country on the average is \$1 per person per meal. She and her son, as a result, get about \$6 a day in food stamps. She works full time. She is a single parent with a 9-year-old son. She is the president of the local PTA of her son's school. She teaches Sunday school, and she volunteers for the Cub Scouts for her son. She works full time making about \$9 an hour. She is a food stamp beneficiary. She occasionally makes her son pork chops, which he likes to eat once or twice at the beginning of the month. During the first couple of weeks, she takes him to a fast-food restaurant once or twice. Almost invariably, the last couple of days of the month, she sits at the kitchen table with her son, just the two of them, and she says she doesn't eat.

He says: Mom, what is wrong?

She says: I am just not feeling well today, son.

She has run out of money. It happens almost every month. She is playing by the rules. She works hard. She is doing almost everything we ask. She is involved in the community.

My belief is that, through talking to people like her, if she had the opportunity to join a union, she would see several things happen. She would see a higher wage. She would be more likely to have health insurance to build toward a pension. All the things everybody in this institution has, everyone who sits in the U.S. Senate—everyone who works in this institution, on that side of the Capitol or on this side of the Capitol, has health care, has a decent wage, and has a decent pension.

The single force that gives people an opportunity for health care, a decent wage, and a decent pension is unionization. We know that. If you trace the numbers of people joining unions and

you draw a graph about wages in this country, the lines are almost parallel. We are a more productive workforce than we have ever been. Yet wages have not kept up with productivity. When you measure, for decades and decades in our country, as productivity went up, wages went up. But during the last few years, as productivity has gone up sharply, wages have continued to remain stagnant. That is in large part because of the decline of unionization.

That is the importance of the Employee Free Choice Act. That is why it matters to our country. That is why it matters for building a strong middle class. That is why the Senate this week should pass the Employee Free Choice Act.

Mr. President, I ask unanimous consent that at 2:15 today, there be 60 minutes remaining for debate with respect to the Bunning and Tester amendments, that the time be equally divided and controlled, and that the remaining provisions of the previous order remain in effect.

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

#### RECESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:41 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

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

The PRESIDING OFFICER. There are 60 minutes equally divided under the Bunning and Tester amendments.

Who seeks time?

The Senator from Kentucky is recognized.

#### AMENDMENT NO. 1628

Mr. BUNNING. Mr. President, I rise to talk about the Bunning, et al., fuel amendment No. 1628. Senator HATCH has asked to be listed as a cosponsor. I ask unanimous consent that he be added as a cosponsor.

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

Mr. BUNNING. Mr. President, for too long America has ignored its energy security. Many of us can remember the energy crisis in the 1970s. We were held ransom by a monopolistic oil cartel and forced to endure shortages, gas lines, and high prices. In the early 1980s, just as America began to invest in alternative fuels, the oil-producing states of the world crashed prices to make new technology uncompetitive. During most of the last 25 years, we have enjoyed low prices and plentiful supplies. But we have had to pay a price. Today, we find that America is addicted to oil.

September 11, 2001, and the hurricanes in the gulf region have shown the

fragile state of our energy markets. Domestic disasters and terrorism can send energy prices spiraling out of control. Our energy resources are stretched to the limit and small supply disruptions ripple throughout the entire economy. I believe all Americans, as they see continued instability in the Middle East, China, and India, and sustained gasoline prices around \$3.50, \$4 a gallon, can see an energy crisis on the horizon.

As you can see from the chart I have here, our production of energy has almost stayed completely flat and will stay completely flat until about 2025, unless we do something about it. On the other side, our consumption continues to escalate. So the difference between the two is the crisis at which we are now looking.

This year alone, we will send about \$250 billion to foreign countries—mostly in the Middle East—to buy oil, adding to the \$7 trillion we have already spent in the last few decades. America has become complacent and over-dependent on imported oil. No matter what energy prices are, we need to take responsibility for our reliance on imported energy and develop a secure, domestic fuel source.

I believe part of that effort should be developing coal-to-liquid fuels. America happens to be blessed with significant coal reserves. Coal powers our homes and businesses. Fifty-two percent of our electricity is derived from coal. It has long been America's most abundant fuel resource and has driven our economic growth since the Industrial Revolution. Coal-to-liquid technology lets America capitalize on a domestic resource. Every dollar invested in coal-to-liquid production will stay in America, grow our economy, and create jobs. By displacing payments to foreign oil companies with domestic investment, we will actually increase the amount of funding available for other alternative fuels. It will lower energy prices for American families, improve the environment, create thousands of jobs, and bring billions of dollars in new investment to our local communities.

Many of you may be asking one question right now: If this technology is so great and could replace expensive imports from the Middle East, why hasn't it been done already?

The answer is simple: Costs and market uncertainty. A typical size coal-to-liquid plant costs between \$3 billion and \$5 billion to construct. With complicated plans and environmental permits, a new plant could take 5 to 8 years to build. This is a challenge for even the biggest risk takers on Wall Street. Raising the capital needed to develop a new technology is always difficult, but the multibillion dollar investment scale of a coal-to-liquid plant has made it nearly impossible.

On top of this is the uncertainty of the price of oil. Yesterday, oil hit \$69.09 cents a barrel—an all-time high. Soon we will be seeing \$70 prices on a barrel

of oil. We have seen this dramatic rise in the last few years. But investors are concerned that oil prices could drop to the low levels of the 1980s and make coal-to-liquid plants uncompetitive again.

But even if oil prices were to drop that low in the next few decades, I believe CTL would more than pay for itself by insulating us from supply shocks and providing a secure domestic fuel source for our military, businesses such as airlines and trucking, and the average American car.

The challenge for America is to leverage the private investment required for these large, expensive plants. U.S. investors remember the last time synthetic fuels were promoted in the 1970s, and remember the losses they took as oil prices collapsed in the 1980s. The scale of investment, uncertainty of oil prices, and a complicated environmental permitting process have prevented the industry from taking root in the United States.

We need to take aggressive steps now to ensure that America does not continue to face high heating and gasoline costs and rely so heavily on unstable and dangerous parts of the world for our energy. I believe the answer is to provide Government support to get coal-to-liquid technology off the ground. At least it is one of the things we must consider.

With modest initial investments, we can kick-start the industry and then the Government will get out of the way and let the marketplace take over. I would rather the Government not have any involvement in coal-to-liquids, but this industry needs assistance because of the threat of OPEC, oil tyrants like Hugo Chavez, and technology challenges.

While these are legitimate challenges facing coal to liquid, another issue has become more and more prominent during this debate. In the last few weeks, the environmental rhetoric has been strongly against coal fuels. Unfortunately, too many people have repeated it without checking the facts. The picture opponents of coal paint is far from the truth about our fight for energy independence. It shows the same misinformed biases found in anti-coal advertisements and environmental newsletters.

I want to tell you clearly and without reservation that coal-to-liquid fuel will be a clean part of our energy future.

I want to show you another chart. While some may remember urban diesel pollution problems, coal to liquid will be significantly cleaner than existing fuels in terms of air pollutants such as sulfur, particulate matter, nitrogen, and aromatics. Air Force tests, laboratory tests, and environmental reports all show that coal-to-liquid fuels will reduce the air pollutants that pose a threat to human health.

As you can see when you compare diesel and well-to-wheel urban emissions, compared to low-sulfur, petro-

leum-based diesels, you can see organic compounds, carbon monoxide, pollutants, particulate matter, and SO<sub>x</sub>, all decreasing in the coal-to-liquid area. But all of these improvements and the promise of energy security are wiped away by misleading claims that coal to liquid would produce twice as many carbon emissions as conventional fuel. That is not true.

The production of coal-to-liquid fuels does release carbon twice—once during gasification and another when burned like conventional fuels in engines. But that does not mean coal-to-liquid plants have to release twice as much carbon emissions.

My amendment requires carbon capture—listen to this. I hope some people in their offices are listening to this. My amendment requires carbon capture, but recognizes that there are limits to this technology today. Carbon capture is only part of the emissions model. Nearly all of the developers we have worked with want to use biomass coal-blended feedstock to achieve emissions reductions.

Believe me, I have studied coal to liquid extensively. Reports from the EPA, DOE, Princeton University, and the Idaho National Laboratories has shown the coal-to-liquids lifecycle greenhouse gas emissions rate will vary dramatically based on the technology, feedstocks, and process used. These researchers have shown that the coal-to-liquid process could one day produce a fuel that is carbon neutral. I will repeat that. These researchers have shown that the coal-to-liquid process could one day produce a fuel that is carbon neutral—no carbon emissions. This is not pie-in-the-sky research. Using some of the same ideas, a planned plant in Ohio—one that will need some Government support to get started—will produce coal-to-liquid diesel that has 46 percent less carbon emissions than diesel fuel made presently from oil—46 percent less.

On chart 3, we show greenhouse gas emissions. This chart shows the life cycle of greenhouse gas emissions of different kinds of fuel based on the analysis of the Idaho National Lab. On the left, we have diesel fuel, coal-to-liquid fuels with no environmental technology, coal to liquid that uses carbon capture, and coal to liquid that uses carbon capture and biomass. As we can see by the chart, coal to liquid can be very clean. That is our goal.

For comparison, I included gasoline and ethanol blends on the right. If we support coal to liquids and let the industry develop these carbon capture and biomass technologies, we will reduce emissions more than corn-based E85 and more than cellulosic E10. That is currently what everybody wants to do. E85 is the big savior. The new cellulosic ethanol, E10, is the big savior. As we can see by this chart, that is not true because the emissions at the end of the line with cellulosic E10 and corn E85 are all higher than the coal to liquids mixed with biomass. That is the truth. Those are facts.

The sector should be given time, just as everyone else, to develop the best technology and not rely on Congress to pick it for them. That is why my coal-to-liquid fuel amendment sets the environmental standard for coal to liquids at the same aggressive 20-percent life cycle reduction that Chairman BINGAMAN requires for biofuels. The very same reduction that Chairman BINGAMAN in his Energy bill requires of biofuels is the one I have in this amendment. Every gallon of coal to liquids made with the help of my amendment would meet this standard and would be a gallon of oil we do not have to buy from the Middle East.

While I have shown that limited Government support is necessary and coal-to-liquid fuels will be as clean as biofuels, another reason to support coal-to-liquid fuels is national security.

I want my colleagues to look at this chart because this is the most important part of coal-to-liquid technology, and putting it on this Energy bill.

The military is the largest single purchaser in this country, and the Air Force consumes 50 percent of this total. I have spoken many times with the Secretary of the Air Force, and I am proud to say he has taken the lead on developing this domestic resource.

Last year, the Air Force spent nearly \$7 billion—\$7 billion—alone on aviation fuels, which was over budget by \$1.6 billion. For every \$1 change in the price of a barrel of oil, it costs the Air Force about \$60 million a year. That dramatic impact is 10 times worse for our commercial airlines.

As we can see, if we do it the right way, we can produce enough of our aviation fuel from this technology with a change in the way the Air Force buys their fuels. If we change it from 5 to 20 years in terms of the amount of time they can contract for, we can have this kind of dramatic impact for our military.

With this in mind, last summer, the Air Force tested jet fuel with a 50-percent mix of Fischer-Tropsch fuel—that is the coal-to-liquid process—in a B-52 bomber. The results of these tests so far are nothing short of outstanding. We already knew these fuels are nearly zero in sulfur and very low in nitrogen oxide and particulate matter emissions, but we are learning very new benefits.

During these tests, the Air Force demonstrated this fuel we are talking about burns significantly cleaner and burns significantly cooler than conventional jet fuel. These characteristics allow our jets to have a smaller radar profile and lower heat signature. And these advantages translate into better mileage, reducing both fuel costs, as well as greenhouse gas emissions.

In light of this successful assessment, the Air Force plans to test this fuel in the C-17 cargo plane this year, and it is embracing the goal of certifying the entire fleet of aircraft by 2016.

By that time, the Air Force intends to meet 50 percent of its annual fuel

needs, more than 1.3 billion gallons, with Fischer-Tropsch fuel. Coal-to-liquid fuel will provide a safety net for our military to ensure a stable fuel supply regardless of the global politics of oil, but only if we build a domestic industry to make the fuel for them.

Let me turn to the two amendments we will consider today. I am asking that my colleagues support the Bunning-Domenici amendment that I have offered with Senator CRAIG, Senator ENZI, Senator MARTINEZ, and Senator HATCH. Our amendment is the only amendment that will help create a domestic coal-to-liquids industry, is a separate program that will not compete with biofuels in any way, requires coal to liquids meet the same 20 percent life cycle reduction of greenhouse gases that biofuels must meet—the rest of this bill requires that—requires coal-to-liquid facilities to capture carbon dioxide, and mandates only one-sixth as much fuel as the renewable fuel standard.

I am also urging my colleagues to oppose the Tester-Bingaman amendment. This amendment is not—and I emphasize this—is not a coal-to-liquid amendment. It sets an irresponsible environmental standard and will just kick Government support for this fuel into the future.

Their amendment is opposed by 23 members of the coal-to-liquid coalition, including industry, airlines, railroads, and others.

It sets strict technology mandates for emissions that will stifle innovation and prevent nearly all domestic coal-to-liquid plants from moving forward.

It limits the availability of the loan to 50 percent of the plant cost, making it less effective than the already existing DOE program that we passed in 2005.

It will take years in DOE rulemaking before the first dollar is ever allocated for a plant.

In the greatest deception of all, it does not require coal to be used in the coal-to-liquid process.

Let me say that again so everybody understands. The biggest deception of all is that the Tester-Bingaman amendment does not even require coal to be used in the coal-to-liquid process.

I am committed to the coal-to-liquid fuel as a secure domestic and environmentally sound fuel. The Tester amendment looks at coal to liquids as an afterthought. I think my proposal should be adopted for any one of a dozen arguments that we have made for coal-to-liquid fuels. It will create jobs, bring down the price of fuel, bring down the price of what we pay at the pump, fuel our military, but basically displace foreign oil, enhance our national security, add value to our coal resources, and improve our environment.

But my final and perhaps most important point is that coal-to-liquid fuels deserve fair treatment. I ask that my colleagues look at what we have

done for biofuels in America and the benefits we have given to our farmers. Communities throughout the Midwest are uniting to invest in ethanol and biomass. Money from Wall Street is flowing into our rural communities, developing infrastructure and creating jobs. In many parts of America, I have seen new hope in agriculture and new ways for farmers to realize greater values for their crops.

It all started with the ethanol fuel mandate. My amendment will create the exact same mandate for coal-to-liquid fuel with the same environmental standards. I think our coal communities deserve the same support we gave our farm community.

Will you tell the Governors of the Southern States, Pennsylvania, Ohio, Illinois, North Dakota, Colorado, Nevada, and Montana that you oppose their efforts to bring coal-to-liquid plants to their States?

Will you tell the men and women who serve as coal miners, construction workers, truckdrivers, train conductors, and plant operators that they deserve less support than our farmers?

Will you tell all Americans that you would rather keep buying oil from the Middle East instead of making fuel in America?

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Colorado is recognized.

MR. SALAZAR. Mr. President, parliamentary inquiry: How much time remains on either side?

THE PRESIDING OFFICER. The Senator from Kentucky has 50 seconds—50 seconds—remaining and the majority side has 30 minutes remaining.

MR. SALAZAR. Mr. President, I ask unanimous consent that I be recognized to speak for 10 minutes in support of the Tester amendment, followed by 10 minutes for Senator BINGAMAN.

THE PRESIDING OFFICER. Without objection, the Senator from Colorado is recognized for 10 minutes.

MR. SALAZAR. Mr. President, I rise today to speak on behalf of amendment No. 1614, which is the amendment Senators TESTER, BYRD, ROCKEFELLER, BINGAMAN, and I are cosponsoring today. Before I make my prepared remarks, let me make a couple of introductory remarks.

The work we are doing today here on the floor of the Senate is perhaps the most important work we could be doing, because how we move from our current chaos on energy here in America to the reality of energy independence is the hallmark of the 21st century. It is an absolute imperative for us to get to the kind of energy independence that has been desired in this country for over 40 years and which has been the topic of much rhetoric and very little action. This is our opportunity, today and in the days ahead, as the Senate speaks out loudly and clearly about the importance of energy and how we will move forward in this world.

From my perspective, I believe we have no choice. I believe the inescapable forces of our civilization today require us to do nothing less than to embrace this concept of a clean energy future with the sense of moral imperative President Carter spoke about over 30 years ago. I believe there are three inescapable forces that are with us today.

First, there is national security. When we see the rockets that are raining down from Hezbollah and northern Israel, one has to ask, where is that money coming from that is funding those rockets; and where is that money coming from that is funding 10,000 members of the militia? We know it is coming from the \$67 per barrel being paid today for oil that is imported from those countries. Today, indeed, when one looks at the fact that, for instance, in March it was 66, 67 percent of the oil we use in America that was imported from foreign sources, our national security requires us to make sure we move forward with this imperative before us today.

Secondly, there are environmental security issues in how we deal with climate change. I think it is finally a reality here in America that our world needs to deal with the issue of climate change in a realistic way. We need to do it now. We cannot wait. Even the President of the United States, who appeared to be a person who didn't believe in global warming, in his State of the Union speech as he addressed the Congress, said he wanted the Congress this year to address the issue of global warming.

The third and inescapable force which should compel us to move forward on the issue of energy has to do, again, with the economics of our Nation and making sure we are not subject to the volatility we have seen so often in the past. That is why I come to the floor to speak on behalf of the coal gasification amendment for which Senator TESTER is the lead sponsor. What we are proposing fits very well into making sure we are adopting this clean energy future.

I am not against the development of coal. I know what coal is in the West, in places such as Montana and other places, places such as my own State of Colorado, where the coal miners in the mines on the western slope know the importance of coal and the importance of clean energy. The amendment we have introduced will help us reduce our independence on foreign oil by making better use of our vast coal resources here at home. Fuels, fertilizers, chemicals, and consumer products derived from coal, if produced responsibly with coal gasification technology, can replace much of the imported oil we use on a daily basis.

Coal is to the United States what oil is to Saudi Arabia. It is our most abundant domestic energy resource. It produces more than 50 percent of our electricity. As a nation, we have enough coal to last more than 200 years. Until

recently, however, coal has not been a legitimate replacement for oil. With old technologies, coal gasification resulted in high CO<sub>2</sub> emissions, which caused global warming. Without carbon capture technology, CO<sub>2</sub> emissions from liquid coal, a product of the coal gasification process, are twice that from conventional fuels. This poses an unacceptable risk to our environmental security. So as we try to deal with CO<sub>2</sub> emissions, we ought not embrace a policy or technology that will increase our problems with respect to CO<sub>2</sub> emissions.

Fortunately, we have new technologies, and those new technologies offer us a way to use coal in our transportation sector and other sectors of our economy in an environmentally responsible manner. Not only can we sequester the carbon produced in the gasification process, but we are able to produce a wide range of materials that are currently being made from oil and natural gas, including diesel fuel, plastics, fertilizer, chemicals, and a wide range of household items.

Senator TESTER and I and the other cosponsors of this amendment have included in this amendment a framework for how we proceed with coal gasification in a responsible manner. Our amendment has four main components.

First, it provides \$10 billion in direct loans for the construction of low emission coal gasification plants.

Secondly, our legislation will establish a grant program that will help spur construction of a new generation of coal gasification plants. The grants will be up to \$20 million for any one project or \$200 million nationwide. They will be awarded to projects that use a variety of feedstocks such as coal and biomass and which have carbon emissions that are 20 percent lower than conventional baseline emissions.

The third component of our amendment is a set of studies that will help us determine the opportunities that might be provided with greater use of coal and moving forward with liquid production of coal. The amendment commissions a study of the benefits of maintaining coal-to-liquid products in the Strategic Petroleum Reserve. It also requires the administrator of the EPA to examine the emissions of coal-based products that are used as vehicle and aviation fuel.

Fourth, the legislation also provides additional funding for the Air Force research lab to continue its development and testing of synthetic fuels for use in jets.

The amendment that Senator TESTER, myself, and others are proposing is a reasoned way of making better use of our vast coal resources here at home. It recognizes that coal can replace much of the imported oil, but it also creates a rigorous carbon emission standard for these new coal gasification projects to meet in order to get Federal support. We simply cannot afford to dump excess carbon into the atmosphere, and this amendment ensures we won't.

I once again thank Chairman BINGAMAN and Senator DOMENICI for their leadership on the overall bill.

Before I conclude, I want to make a comment with respect to a statement made on the other side with respect to a competing amendment. The essence of the competing amendment is to say it is the end of the world for coal if we don't adopt the amendment that is being proposed by my good friend from Kentucky. As I said earlier, we are not anti-coal. Both of us who are sponsoring amendments are from coal-producing States. We believe coal is very much an item that has to be in our portfolio in the future.

I have a letter, however, in which Dow Chemical says they are fully supportive of Senator TESTER's amendment, and one of the conclusions they reach, in support of the amendment is that:

Dow Chemical believes the environmental standards in the bill are achievable.

It says:

The requirement that 75 percent of the carbon dioxide generated is captured will ensure that all companies prepare for long-term CO<sub>2</sub> management. This will help drive action to make carbon capture and storage a reality sooner than later.

In conclusion, I urge my colleagues to join us in support of amendment 1614 because it is the most responsible way to proceed as we deal with energy independence as well as dealing with the issue of high emissions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority side has 20 minutes 40 seconds remaining, and on the minority side there are 50 seconds remaining.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the minority side be given an additional 5 minutes, and would note that Senator DOMENICI and Senator CRAIG are here to use that time.

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

Who seeks time?

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will talk quickly in 2 minutes.

I come to support the Bunning-Domenici amendment of coal to liquids. It is quite simple. I look at it in rather black-and-white terms. A vote for coal is a vote against Saudi Arabia. A vote for coal to liquids is a vote against Hugo Chavez. A vote of coal to liquids is a vote against Nigeria and for our own production.

The Senator from Colorado talks about America always laying the claim that we are the Saudi Arabia of coal, except we are rapidly deciding we are not going to use it for anything. Now, if we are going to use it, and it is the great energy supply, then we have to make it cleaner, and that is clearly the technology at hand.

One of the ways to do so, and not only to use it for transportation fuels, is to run it through the liquefaction

process. And who is the expert in the field of testing it? The Idaho National Laboratory, working with Baard Energy, looked at the Ohio projects—46 percent cleaner. If you add biomass to it, 30 percent biomass to sequester the carbon dioxide and the combined cycle cogeneration process, that is what you get.

Now, isn't that a technology worth passing on to China, which is the largest emitter, or soon will be, producing more emission with less economy of CO<sub>2</sub> than the United States? I think it is time we pushed all technologies, and if they are cleaner, they are better.

The argument here is they have to be perfect before we do them. I would suggest that perfect may not be possible, but 50 percent cleaner or more is possible, and that is where we ought to go. That is where the Bunning amendment takes us.

I tell you what I am going to do; I am going to vote for Senator BUNNING's amendment, and I am going to vote against Saudi Arabia.

Mr. DOMENICI. Mr. President, I think I have, what, 3 minutes remaining?

The PRESIDING OFFICER. The Senator has 3 minutes 35 seconds.

Mr. DOMENICI. Thank you very much, Senator LARRY CRAIG, for those comments.

Now, let me say we have a similar situation to the one we had here in the last 2 or 3 days on the 15-percent wind mandate—RPS. We have two amendments out here, and all of a sudden we find out neither of them is going to have the votes. I am afraid what has happened here is we have two amendments and neither is going to get the votes if the Senate doesn't consider the difference between these two bills and vote for the one that is most apt to accomplish the purpose we set out in a coal-to-liquid amendment.

The Tester-Bingaman amendment, No. 1614, in this Senator's opinion is only a long shot that we are going to get a lot of incentives for coal to liquid. There is \$10 billion in direct loans. That is nice for everybody. We are going to have \$10 billion to loan, but it is loanable on a number of things beyond coal to liquid. I predict the money is going to go to those other things because it is so hard to reach the calibration required in this amendment of coal to liquid.

In the Bunning amendment, there is a long time to work on it, until 2016, and a given amount of that liquid will be purchased and they can get ready for it to be purchased. But the standard is clearly achievable because it is the same 20 percent we are going to require of ethanol and of the other programs we are achieving, and we are saying do the same thing. They are not saying that in the Montana amendment—do the same as we have done for the other fuels. I am afraid we are not going to get there and the money is going to get loaned for the wrong things before we are finished. In competing between the

two, both are going to die. I suggest that colleagues vote against the amendment of the Senator from Montana and for the one of the Senator from Kentucky if you want to get coal to liquid started.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The majority has 20 minutes 15 seconds, and the minority has 53 seconds remaining.

Mr. BINGAMAN. Mr. President, I will take 5 minutes. I know Senator TESTER is here and wishes to speak. I understand Senator KERRY and many others wish to speak also.

The issue between the two amendments is what our focus should be, when we think about the future of coal, are we sure the best use of coal and the best future for coal is in the developing of transportation fuels? In my view, that is what the Bunning amendment concludes.

The Tester amendment, to the contrary, takes a broader view of the future of coal. I believe we want to enable the development of many potential uses of coal that are both environmentally and economically sound. We should not be focused on commercializing in large-scale uses of coal that do not make good sense in the marketplace.

First, let me say a couple of things about the Bunning amendment.

There are currently no large-scale coal-to-liquid plants in the United States. The price tag of a typical plant is in the billions of dollars.

The Bunning amendment purports to require that coal-derived fuels be 20 percent better than gasoline. But we have an apples-to-oranges comparison here because coal-to-liquids plants will produce primarily diesel fuel, not gasoline. The total greenhouse gas emissions from coal-derived diesels are likely to be greater by about 150 percent than the emissions from diesels that are powered from petroleum.

The Bunning amendment is technologically limiting, and such uses of coal as conversion to chemicals, to plastics, and to fertilizer are not permitted to benefit from the Bunning amendment.

Coal-to-liquids products mandated by the Bunning amendment have very large water requirements. Water requirements are estimated to be about 2 gallons for every gallon of coal-derived fuel produced. The Tester amendment, by contrast, is much more broad in the beneficial uses coal can be put to, whether to make fuels or fertilizers or plastics or chemicals.

There are industrial plants in the United States that do use coal commercially as a feedstock for chemical products.

I have a letter from the president of Dow Chemical which I ask unanimous consent to be printed in the RECORD at the end of my statement.

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

(See Exhibit 1.)

Mr. BINGAMAN. He states as follows in that letter:

On behalf of Dow Chemical Company, I write to offer my strongest support for Senator TESTER's "Coal Innovation" amendment.

Simply put, it will allow companies to build gasification plants in the United States that run on coal, biomass and other feedstocks, while helping to increase fuel and feedstock diversity and demonstrate options for carbon capture and storage. This will result in gasification plants that are more efficient and help address climate change and contribute to energy security.

Mr. President, I also have a letter that I want to have printed in the RECORD at the end of my remarks from various unions—the AFL-CIO Building and Construction Trades Department, the Industrial Union, the United Mine Workers, various others.

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

(See Exhibit 2.)

Mr. BINGAMAN. They strongly endorse the Tester amendment. They previously were part of a coal-to-liquids coalition which issued an earlier letter which has now been rescinded which spoke in favor of the Bunning amendment and against the Tester amendment, and they say in their letter that they strongly support the Tester amendment.

Clearly, I think the Tester amendment gives us the best chance of promoting the use of coal to meet our energy needs in the future, and I strongly support it and oppose the Bunning amendment. I hope my colleagues will do the same. I believe this is the right course for us to follow.

#### EXHIBIT 1

THE DOW CHEMICAL COMPANY,  
Midland, Michigan, June 18, 2007.

Hon. JEFF BINGAMAN,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN: On behalf of The Dow Chemical Company, I write to offer my strongest support for Senator Tester's "Coal Innovation" amendment to H.R. 6, the energy bill pending before the Senate. Simply put, it will allow companies to build gasification plants in the United States that run on coal, biomass and other feedstocks, while helping to increase fuel and feedstock diversity and demonstrate options for carbon capture and storage. This will result in gasification plants that are more efficient, help address climate change and contribute to energy security.

Dow is excited by the prospect of this legislation being enacted. As you know, Dow is one of the world's largest chemical companies and is heavily reliant in the U.S. on natural gas and oil as raw materials for the products we manufacture. High and volatile prices for these inputs have caused the company's energy bill to swell three-fold since 2002, reaching \$22 billion last year, and have forced us to look to other parts of the world for our growth.

In an effort to address this problem, and to help sustain our operations here, we have expressed interest in utilizing industrial gasification technology and in leading a consortium in the U.S. to demonstrate it on a commercial scale. A company like Dow could be a major purchaser of the syngas and/or the naphtha that these plants produce. As you know, the military also has a high interest in taking syngas-based liquid fuels.

Dow would be able to make virtually all of the products we currently make from natural gas liquids by substituting coal, biomass or a combination thereof. The ability to manufacture products like plastics, fibers and coatings would help to optimize the carbon footprint of a project, since a portion of the carbon would reside in finished goods that are not burned. However, one major hurdle for any would-be plant sponsor is the financing. The direct loans in the amendment would go a long way toward helping to get these types of plants built, and help provide, in the long run, a lower cost alternative to oil and natural gas.

In addition, Dow believes that the environmental standards in the bill are achievable. The requirement that 75% of the carbon dioxide generated is captured will ensure that all companies prepare for long-term CO<sub>2</sub> management. This will help drive action to make carbon capture and storage a reality sooner rather than later.

Thank you for your and your staff's attention to this issue, which is critical to American manufacturing, the economy and our energy security. Please let us know if there is any way we can be of assistance on this matter.

Sincerely,

ANDREW N. LIVERIS,  
Chairman and CEO.

EXHIBIT 2

JUNE 18, 2007.

DEAR SENATOR: On June 13, 2007 the Coal-to-Liquids (CTL) Coalition sent you a letter purporting to have the support of the undersigned labor unions and organizations. The CTL Coalition did not clear this letter with us before sending it. We regret that this letter created the mistaken impression that our organizations had arrived at a position on the issues addressed in the June 13 letter.

Unfortunately, this unauthorized correspondence has been misconstrued to mean that our organizations oppose an amendment that Senators Tester, Byrd, Rockefeller, Salazar, and Bingaman are expected to offer later this week to the Creating Long-Term Energy Alternatives for the Nation (CLEAN Energy) Act of 2007 (H.R. 6).

On the contrary, we strongly urge your support for the Tester-Byrd-Rockefeller-Salazar-Bingaman amendment to establish a coal innovation direct loan program. This \$10 billion program would enable America to build successful large-scale facilities to demonstrate carbon dioxide capture for coal conversion technologies, which is essential to guarantee the viability of coal into the future. The coal innovation direct loan program would create thousands of U.S. jobs in mining, construction, and operation.

We believe strongly that coal can be both an economically and environmentally responsible choice for America's energy security. To realize the potential of coal, America must make significant investments to prove the new technologies vital to its future. We therefore urge you to support the Tester-Byrd-Rockefeller-Salazar-Bingaman amendment.

Sincerely,

AFL-CIO Building and Construction Trades Department.

AFL-CIO Industrial Union Council.

International Brotherhood of Boilermakers.

International Union of Operating Engineers.

Laborers International Union of North America.

United Mine Workers of America.

Mr. BINGAMAN. 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 Montana.

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

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

Mr. TESTER. Mr. President, I wish to speak in opposition to amendment 1628, the Bunning amendment, for a number of reasons.

No. 1, this is a mandate to develop the gallonage from coal to liquids. I don't think it is the right direction to go. This amendment—folks have been using apples and oranges to compare greenhouse gases. The Bunning amendment says coal to liquids will be 20 percent better than gasoline, but coal to liquids does not produce gasoline-equivalent fuel, they produce the equivalent of diesel fuel, and that is 150 percent higher in greenhouse gas emissions than diesel produced from petroleum.

The third thing, it is technology-limiting. Fuels produced from coal are only allowed under the Bunning amendment rather than articles such as fertilizer, chemicals, and plastics, as my amendment does.

Finally, there is no path to coal's future in a carbon-constrained world with the Bunning amendment—no requirement to deal with the carbon dioxide produced in the coal-to-liquids plants, no technology incentive to keep coal viable into the future, which we absolutely need. If and when our greenhouse gases are regulated, these plants will not be economic, and the cost to the consumers of the Bunning mandate will soar.

I have seen many signs up today, placards, talking about how coal-to-liquid technology is automatically less than petroleum. That is not correct unless you have carbon capture. The Bunning amendment does not allow for carbon capture. My amendment does.

With that, I would certainly suggest and request that the body vote against the Bunning amendment and support the Tester amendment No. 1614.

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.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. 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. SPECTER. I ask unanimous consent to be permitted to speak for up to 5 minutes.

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

Mr. SPECTER. I have sought recognition to speak in favor of the amendment which will be voted on later this afternoon which provides

that we would lift the antitrust exemption which is now held by the OPEC nations.

There have been judicial interpretations holding that the OPEC countries have sovereign immunity from prosecution under the antitrust laws, and it is my legal judgment that the limited judicial holdings in this field are erroneous because there was a well-accepted exception to the sovereign immunity doctrine where there is commercial activity involved. But in any event, there is no doubt that the Congress of the United States has the authority to legislate in the field, and I believe it would be very crucial to remove the antitrust exemption which the OPEC nations now have.

We have a crisis—a strong word but I think an accurate word—on gasoline prices today. The price of crude oil has been hovering around \$65 a barrel. The American people are paying on average more than \$3 a gallon for gasoline. Consumers are paying more for products because American companies have to pay more to manufacture, and without going into great detail, there is no doubt that there is a crisis in the field.

This legislation has been acted on in the past—in the 109th Congress when I chaired the Judiciary Committee—and it has been reintroduced this year. Senator KOHL is the chairman of the Subcommittee on Antitrust and has taken the lead, and we have a very impressive list of sponsors: Senator LEAHY, Senator GRASSLEY, Senator BIDEN, Senator COBURN, Senator FEINGOLD, Senator SNOWE, Senator DURBIN, Senator BOXER, Senator LIEBERMAN, Senator SCHUMER, Senator SANDERS, as well as my own cosponsorship of this legislation.

I have been interested in this subject for more than a decade because I think the antitrust exemption which they enjoy ought not to be. I wrote to President Clinton in his term in office—and received no answer on the subject—a very lengthy letter which I put in the CONGRESSIONAL RECORD when I spoke on this amendment last week. I followed it up with a letter to President George Bush on the same subject. We passed the amendment last year. As I say, it was dropped in conference. We are asking for a rollcall vote on it this time because the practical realities are, if it gets a very strong vote—and I anticipate it will—it will have more stature when it gets to conference.

I urge my colleagues to support this amendment to eliminate the conspiracy, the concerted action where the OPEC nations get together in a room, reduce supply, and that raises the price. This is an important amendment, and it will contribute to reducing the price of gasoline at the pump.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Roughly 9 minutes for the majority, and there is no time remaining for the minority.

Mr. BINGAMAN. Mr. President, let me ask the Senator from Montana if he wanted to use the remaining 9 minutes or some lesser amount of that. We can go ahead and go to a vote whenever you are finished with your statement.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I just want to talk about my amendment, 1614, as long as we have time to do that, very quickly recap it because I think it is important that we know the facts.

First of all, we have enough coal in this country, if it is used at the current rate, to last us for 250 years. We need to develop it responsibly. This amendment for coal to liquids will develop it responsibly. What it does is it provides grants and loans for clean coal technology. Let me tell you the parameters because some folks have said this can't be achieved.

In front of the Senate Finance Committee, it was testified that it is entirely capable, with the technology we have today, to have 85 percent carbon capture. This amendment requires 75 percent carbon capture.

The National Mining Association said that with coal to liquids, adding some biomass with the coal, we could achieve 46 percent less in life cycle greenhouse gases than comparable petroleum—46 percent less. This amendment requires 20 percent less. This amendment is entirely doable by the industry. If we want to develop our coal resources in a manner that meets the needs of consumers as well as being able to develop our coal resources in a responsible way that would not trash the environment when climate change is such a huge issue in the world, we need to step forth and adopt this amendment.

I could go into the amendment further and talk about the potential of replacing foreign oil. I could talk about how it is a win-win situation for the country overall, as far as achieving energy independence, as we push this bill forward that deals with renewables such as biofuels and wind and solar and geothermal. The fact is, with this amendment there are no bogeymen. It is achievable by the industry, and it should be adopted if we are going to lead this country down the road of energy independence, a road that will allow the climate change issue to be put to bed.

By the way, if we pass this amendment, I fully believe, with the two powerplants a month China is putting on board at 500 megawatts each, we can also help lead China down a road to clean coal technology.

I would appreciate a "yes" vote on amendment 1614.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Republican leader.

Mr. MCCONNELL. Madam President, I rise to speak in support of my good friend from Kentucky, Senator BUNNING, and his amendment with the Senator from New Mexico to establish

a program to help support and promote clean coal-to-liquid fuels. Focusing more on coal-to-liquid fuels will benefit our economy and our national security. Coal is a vital part of America's energy production, and coal is a vital part of Kentucky's economy and history. The coal industry creates over 60,000 jobs in my State, including approximately 15,000 coal miners. Over half the country's electricity is generated by coal, and coal constitutes over 90 percent of America's fossil fuel resources. That means the coal we can mine in this country alone would be enough to supply our Nation for more than 250 years. What Saudi Arabia is to oil, America is to coal. Therefore, it would be irresponsible of us, not to mention downright foolish, not to invest in technology to take advantage of this vital natural resource. That is why I thank my friend Senator BUNNING for his leadership on this issue.

Greater use of coal-to-liquid fuels will benefit the environment by reducing emissions of sulfur dioxide, nitrous oxide, particulate matter, and other pollutants as compared to conventional fuels. The Bunning amendment also requires that coal-to-liquid fuels under this program reduce greenhouse gas emissions by 20 percent relative to gasoline. Greater use of coal-to-liquid fuels, which we can generate here at home, will mean less dependence on foreign sources of oil. Right now America gets 60 percent of its oil from foreign countries, many of which do not have our best interests at heart, as we certainly know. Passing this amendment will mean greater energy independence and strengthened national security. I commend my good friend and fellow Senator JIM BUNNING, as well as Senator DOMENICI. Senator BUNNING has been hard at work on this issue for a lengthy time. I thank him for his dedication to the coal producers and miners of Kentucky and America. This amendment is the right thing to do for them, for our economy, and for our national security.

I urge my colleagues to support it.

I yield the floor.

Mr. BINGAMAN. Madam President, I yield back the time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1628 offered by the Senator from Kentucky, Mr. BUNNING.

Mr. DOMENICI. 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 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 Kansas (Mr. BROWNBACK), the

Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. McCAIN).

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

The result was announced—yeas 39, nays 55, as follows:

[Rollcall Vote No. 213 Leg.]  
YEAS—39

Allard	Dole	Martinez
Bennett	Domenici	McConnell
Bond	Ensign	Murkowski
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Grassley	Shelby
Cochran	Hagel	Smith
Coleman	Hatch	Specter
Corker	Hutchison	Stevens
Cornyn	Inhofe	Thune
Craig	Isakson	Vitter
Crapo	Lott	Voinovich
DeMint	Lugar	Warner

NAYS—55

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

NOT VOTING—5

Brownback	Dodd	McCain
Coburn		Johnson

The amendment (No. 1628) was rejected.

Mr. BINGAMAN. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1614, offered by the Senator from Montana, Mr. TESTER.

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I strongly urge support for the Tester-Byrd amendment.

I yield the remainder of the time to Senator TESTER.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, what this amendment does is gives loans for equipment to capture and sequester carbon from coal-to-liquid technology. It also allows for loans to construct the plant.

The Federal Government has the opportunity right now to push coal to liquids forward with some dollars. Also, what happens with this amendment is—and these are entirely achievable parameters—75 percent of the carbon would be captured and sequestered, and it would be 20 percent less than life-cycle greenhouse gases from petroleum. It works for this country in making us more energy independent and it

works for the global warming issue to make sure we get our hands wrapped around that and it is progress in the proper way for energy development.

It is endorsed by the AFL-CIO, the United Mining Association, and Dow Chemical. This amendment is achievable, entirely achievable.

The industry testified in the Senate Finance Committee that they could capture and sequester 85 percent. This amendment does it at 75 percent.

I encourage the adoption of this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DOMENICI. Madam President, I looked around and didn't see anyone else, so I guess I will respond.

Fellow Senators, we defeated the best amendment to assure we would bring coal to liquid on board. Now what you have is an amendment that says a \$10 billion direct loan program—not any other kind of loan but a direct loan—meaning the appropriators, without the White House, can approve in appropriations \$10 billion. But the kicker is it does not have to go for coal-to-liquid technology, it can go for a number of technologies, and if you can't reach it in coal, you will reach it in the others. So you surely are voting for \$10 billion in direct loans. You are not assuring that you are going to get coal to liquid because the standards are so high you may not be able to achieve them in the coal to liquid.

That is enough for me. I thank you for giving me some time, and I urge a "no" vote.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1614.

Ms. LANDRIEU. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant 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 Kansas (Mr. BROWNEBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—33

Akaka	Dorgan	Murkowski
Baucus	Durbin	Nelson (FL)
Bayh	Inouye	Nelson (NE)
Bingaman	Klobuchar	Obama
Brown	Kohl	Pryor
Byrd	Landrieu	Reid
Carper	Levin	Rockefeller
Casey	Lieberman	Salazar
Clinton	Lincoln	Stabenow
Coleman	Lugar	Tester
Conrad	McCaskill	Webb

NAYS—61

Alexander	Enzi	Mikulski
Allard	Feingold	Murray
Bennett	Feinstein	Reed
Biden	Graham	Roberts
Bond	Grassley	Sanders
Boxer	Gregg	Schumer
Bunning	Hagel	Sessions
Burr	Harkin	Shelby
Cantwell	Hatch	Smith
Cardin	Hutchison	Snowe
Chambliss	Inhofe	Specter
Cochran	Isakson	Stevens
Collins	Kennedy	Sununu
Corker	Kerry	Thune
Cornyn	Kyl	Vitter
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
DeMint	Lott	Whitehouse
Dole	Martinez	Wyden
Domenici	McConnell	
Ensign	Menendez	

NOT VOTING—5

Brownback	Dodd	McCain
Coburn	Johnson	

The amendment (No. 1614) was rejected.

AMENDMENT NO. 1519

The PRESIDING OFFICER. Under the previous order, there is 30 minutes equally divided on the Kohl amendment. Who yields time?

The Senator from Wisconsin.

Mr. KOHL. Madam President, I rise at this time with 13 cosponsors to urge all of my colleagues to support our bipartisan no-OPEC amendment to the Energy bill. This 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.

In addition to the 13 cosponsors of this amendment today, companion House legislation passed the other body last month by an overwhelming 345-to-72 vote. This amendment will authorize the Justice Department, and only the Justice Department, to file suit against nations or other entities that participate in a conspiracy to limit supply or fix the price of oil.

We have longed 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 to set prices, then they will be violating U.S. law.

As we consider the high price of gas, one fact has remained consistent: the price of crude oil and, in turn, gasoline dances to the tune set by the OPEC members.

Referring to the 18-percent rise in worldwide crude oil prices since the start of the year, OPEC's president commented:

We did have a bad situation at the beginning of the year, but it is much better now.

The difference was OPEC's decision last fall to enforce combined output cuts of 1.7 billion barrels of oil a day in order to drive up the price of crude oil. Just last week, OPEC refused to add more oil supply to the market despite the International Energy Agency's urgent call for new supplies to meet rising demand.

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. Gas prices have now increased 71 cents a gallon just since the start of the year, to a current national average of \$3.01 per gallon, an increase of more than 30 percent.

The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is the result of changes in the cost of crude oil. If private companies engaged in such an international price-fixing conspiracy, there would be no question it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

The amendment will not authorize private lawsuits, but it will authorize the Justice Department to file suit under the antitrust laws for redress. It will always be at the discretion of the Justice Department and the President as to whether to take action against OPEC.

Our amendment will not require the Government to bring legal action against OPEC member nations. This decision will entirely remain in the discretion of the executive branch.

I believe the Senate should now join the 345 of our colleagues in the House and vote to support this legislation.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. BINGAMAN. Madam President, there is an old legal adage that says, hard cases make bad law. That seems to be the case here. No one likes OPEC. None of us like being put in a position of appearing to defend OPEC. But this amendment, in my opinion, would make bad law. The Framers of the Constitution wisely assigned responsibility for formulating foreign policy and conducting foreign relations to the President and to the Congress, not to the law courts.

Chief Justice Marshall said nearly two centuries ago:

The judiciary is not the department of the Government to which the assertion of its interest against foreign powers is confided. A question like this is more a political one than a legal one.

There has been much talk in this Chamber over the years about the proper role of the judiciary. Nearly every time we are asked to confirm a judicial nomination, we hear speeches given on the Senate floor about the need for judges to confine themselves to the business of interpreting the law, not making the law. And this is exactly what the courts have done in this circumstance.

Here is a case where the courts have wisely recognized that OPEC's pricing policies are not something that should be litigated in U.S. courts but should instead be addressed by the political branches of the Government—the President, the executive branch, and the Congress. Senator KOHL's amendment would throw the issue of OPEC's

oil prices back into our courts and force the courts to address those issues.

The amendment before us has its roots in a lawsuit filed by the labor union nearly 30 years ago. The union at that time charged OPEC with price fixing in violation of our antitrust laws.

The trial court dismissed the case on the ground that OPEC members are sovereign nations and are immune from suit. On appeal, the appeals court affirmed the dismissal, though for different reasons. It dismissed the suit under the act of State doctrine. In the court's words:

The act of State doctrine declares a United States court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign State.

Quoting the Supreme Court, the Court said:

Every sovereign State is bound to respect the independence of every other sovereign State, and the courts of one country will not sit in judgment on the acts of the government of another done within its own territory.

Senator KOHL's amendment overturns the act of state doctrine, at least so far as OPEC is concerned. It also creates a new offense under the Sherman Act to get at OPEC, it waives sovereign immunity for this new offense, and it amends the Foreign Sovereign Immunities Act to cover the new offense. In short, it sweeps away all of the legal defenses OPEC members have against antitrust suits in our courts.

Adopting the amendment will undoubtedly be very popular, but it is also very unwise. The Ninth Circuit Court of Appeals explained nearly 30 years ago:

To participate adeptly in the global community, the United States must speak with one voice and pursue a careful and deliberate policy.

The President can do this, the court said; the judiciary cannot.

Here is another quote from that same decision:

When the courts engage in piecemeal adjudication of the legality of the sovereign acts of states, they risk disruption of our country's international diplomacy. The executive may utilize protocol, economic sanction, compromise, delay, and persuasion to achieve international objectives. Ill-timed judicial decisions challenging the acts of foreign states could nullify these tools and embarrass the United States in the eyes of the world.

In this case—

the granting of any relief would in effect amount to an order from a domestic court instructing a foreign sovereign to alter its chosen means of allocating and profiting from its own valuable natural resources. On the other hand, should the court hold that OPEC's actions are legal, this would greatly strengthen the bargaining hand of the OPEC nations in the event that Congress or the executive chooses to condemn OPEC's actions.

In addition, we here in the Senate ought to consider how enactment of this amendment might affect our relations with OPEC members. What will be the international repercussions

when the United States starts awarding judgments against foreign nations and attaching their assets in this country? What sort of precedent will the amendment set in the international community? Will other nations start to view our trade policies—such as our nuclear trade restrictions—as violations of their antitrust laws?

The Bush administration has offered us answers to some of these questions. Its statement of administration policy on this bill, which we are considering here in the Senate, says that:

The consequent targeting of foreign direct investment in the United States as a source of damage awards would likely spur retaliatory action against American interests in those countries and lead to a reduction in oil available to U.S. refiners. Not only would such a result substantially harm U.S. interests abroad, it would discourage foreign investment in the United States economy.

For these reasons, the administration concluded:

If a bill including such a provision is presented to the President—

That is the bill we are considering right here on the Senate floor.

—his senior advisers will recommend that he veto the bill.

For all these reasons, I urge my colleagues to vote against the Kohl amendment.

Madam President, how much time remains on both sides?

The PRESIDING OFFICER. There is 8½ minutes in opposition, and 11½ minutes in support.

Mr. LEAHY. Madam President, I join Senator KOHL as a cosponsor of his NOPEC amendment and urge the Senate to adopt it. 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.

The support for this legislation is both bipartisan and bicameral. The House of Representatives recently passed NOPEC with 345 Members voting for it.

NOPEC will simply 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.

The rise and fall of oil and gas prices has a direct impact on American consumers and our economy. Last month, gas prices in the United States reached a near record high. While prices have come down slightly in recent weeks, 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.

The Associated Press recently reported the Iranian oil minister's announcement that members of OPEC would not increase the supply of oil 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 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 does not share this view and has threatened a veto.

Americans deserve better, and it is time for Congress to act. We know the oil cartel and Big Oil companies like things just the way they are, and why shouldn't they? They continue to break new records as they roll up huge profits taken from consumers' pockets.

I hope this Senate and this Congress will take the side of American consumers, not the side of Status Quo, Incorporated. We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. I thank Senator KOHL for his leadership on this issue.

Mr. BINGAMAN. Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. Madam President, I yield several minutes to Senator LINCOLN.

I am sorry, did the Senator from Rhode Island wish to speak?

Mr. WHITEHOUSE. If I may, but it is to a different amendment. It is for the Cardin amendment.

Mr. BINGAMAN. Madam President, if we could complete the debate on this amendment, and then if the Senator wishes to yield back time, we could proceed to debate on the next amendment.

Mr. WHITEHOUSE. That will be fine.

Mr. KOHL. Madam President, I will yield several minutes to Senator LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1556

Mrs. LINCOLN. Madam President, I thank my colleague from Wisconsin, Senator KOHL, for giving me a few moments.

My comments are on a slightly different topic today, and I appreciate my colleague yielding to me. I filed an amendment, No. 1556, to the energy legislation almost a week ago. Since that time, I have pleaded with my colleagues to help reach an agreement where I could come to the floor and offer this important amendment. I offered it several times last week in the latter part of the week so it could be considered by the Chamber and get an up-or-down vote on its merits. Unfortunately, I understand that certain colleagues are unwilling to lift their objection to this amendment being considered on the floor under any circumstances. So I come to the floor today to try to express some of my frustrations in dealing with this bill and particularly my amendment, not

only for myself and many of my colleagues who are strongly in support of my amendment but also for the hard-working farm families across our Nation.

The amendment I introduced with my good friend and colleague from New Mexico, Senator DOMENICI, is quite simple. It is identical to the legislation we cosponsored together last Congress and have reintroduced again this year, which is S. 807. The bill already has 26 cosponsors in the Senate and 121 co-sponsors in the House. This amendment is particularly timely and appropriate for the legislation we are currently considering in the Chamber today because there is a growing understanding in this countryside that without the clarification provided by this amendment, requirements and liabilities under CERCLA, a law designed to clean up toxic industrial pollutants, could be unfairly applied to America's farmers and ranchers of all sizes, of any size, large or small. These are the very men and women who hold the future of renewable energy production in this country in their hands and in their production operations.

The underlying bill we will consider today would take steps to promote the use of biomass, and specifically animal manure, as an important and critical source of renewable energy. It is widely known that farmers are beginning to use their excess manure for energy generation already, through methane digesters and other innovative technologies that are developing on a day-to-day basis. The expanded use of animal manure for energy production not only promotes our Nation's energy independence, it is also a way to control the unavoidable supply of manure and litter from livestock production in an environmentally friendly manner while adding economic value for our farm families and our rural communities.

This is a win-win situation for our Nation and especially for American agriculture. Yet as this Chamber stands ready to incentivize these innovative practices and spur the growth of alternative technologies to manage this waste, pending lawsuits threaten the entire viability of this emerging industry, not to mention the viability of the hard-working farm families across our country.

We should not stand by and allow a situation where farmers or those who are transporting manure for energy production or other purposes are handling a hazardous waste subject to CERCLA's strict and punitive liability provisions.

It is worth noting that CERCLA section 101(14) specifically excludes petroleum. Here we are, looking to lessen our dependence on foreign oil and petroleum products, yet they are exempt from CERCLA. We are looking at the possibility of agricultural by-products being included in CERCLA under the definition of hazardous waste substances but petroleum releases are not

subject to CERCLA reporting and liability provisions. Why is it these same liability provisions should apply to our Nation's farmers and ranchers, and particularly our dairy farmers? Farmers and ranchers have always been responsible stewards of the land, making great strides to preserve a healthy environment for their food production but also for their families and communities. Keep in mind that agricultural operations are already regulated under the Clean Water and the Clean Air Acts, as well as other Federal and State environmental laws. The larger size operations are subject to management practices. These are the appropriate regulatory tools to manage the environmental impacts of agriculture in this country, and any farmer will tell you that our U.S. producers are already subject to much greater scrutiny in this area than their foreign competitors. That is one reason why Americans continue to enjoy the safest food supply in the world, produced right here at home by our Nation's farm families, working as hard as they possibly can to not only produce that safe food and fiber but to do it in a way that is respectful of the environment under the regulations we put upon them. The last thing we need to do is stand by and allow policies that encourage the outsourcing of food production in this country.

On that note, it is my view that Congress never intended for CERCLA to apply to agriculture in the first place. In fact, the idea of including animal agriculture under CERCLA was never raised during the first two decades of this law's existence. If normal animal manure is found by the courts to be a hazardous substance under CERCLA, then virtually every farming operation in the country could be potentially exposed to severe liability and penalties under the law. Clearly, Congress never intended such an outcome, and we should take the necessary steps by taking up and passing my amendment to ensure that the courts clearly understand what our congressional intent is. We should not jeopardize American agriculture by allowing courts to impose CERCLA liability on farmers for their traditional farming practices, including the use of manure as a beneficial fertilizer or an emerging feedstock for renewable energy production. This would be most unfortunate.

I hope my colleagues will look at this and be aware. I will continue my efforts to clarify that CERCLA liability does not apply to agriculture, to our livestock, to our ranches and our dairy farms, making sure that agriculture in this country can continue to do what it has always done, and that is to produce a safe, abundant, and affordable food supply under the regulations we provide them.

I thank the Senator from Wisconsin for yielding, and I yield back his time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I believe we have 8 minutes remaining in

opposition, and I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

AMENDMENT NO. 1519

Mr. DOMENICI. First, before the Senator from Arkansas leaves the floor, I wish to say I associate myself with her remarks as they pertain to both subjects, and in particular CERCLA, in which we both share a common interest. We have to get something done; we both know it. Those who are not letting us have a chance at getting a vote will find out sooner or later we are going to get a vote, and what is fair and reasonable will prevail. We are going to work hard to see that is done sooner rather than later.

Having said that, I want to talk about the No-OPEC amendment that would permit legal action to be brought in U.S. courts by the Department of Justice on alleged price-fixing and other anticompetitive behavior affecting petroleum product pricing, production, and distribution by members of the Organization of Petroleum Exporting Countries—OPEC.

While I can see at some level how this idea appeals to our sense of fairness and our frustration about oil prices, I must oppose this amendment and join with my chairman, because it is reality, not sentiment, that counts in public policy. The reality is this amendment would be unenforceable. OPEC producers would simply decide not to sell oil to us any longer. One-third of the oil used in the United States every day comes from an OPEC member. They would suffer the loss of some profits, but our entire economy could come to a grinding halt.

Another problem I have with the amendment is it is a major change in international law that has potential applications beyond the oil sector. The sovereignty of nations is put into question by this amendment. I know of no instance when the United States Government sued a foreign government.

I think if this amendment passes, we can expect a jittery oil market to become even more nervous. We can expect that. In reality, that means higher prices. We can expect less transparency from OPEC. In reality, that means higher prices. We can also expect less cooperation from OPEC in the future, and I think that, too, will lead to higher prices.

I believe this amendment should fail, but obviously, looking at the past and looking at the propensity of Senators to vote on this amendment without looking at the realities of it, I am not too hopeful. Nonetheless, that is the extent of my remarks.

Madam President, I yield the floor.

Mr. BINGAMAN. Madam President, how much time remains on both sides?

The PRESIDING OFFICER. There is 5 minutes in opposition and about 3½ in favor.

Mr. BINGAMAN. Madam President, I think the Senator from Wisconsin should be given the chance to conclude

his remarks or close the argument. I will yield back the time in opposition and allow Senator KOHL to use whatever additional times he wants. Then we can close the debate on this amendment and proceed to the next amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Madam President, I believe the arguments set forth by the administration, as well as those on the floor today in opposition to this bill, are without merit. For example, we disagree that it would harm U.S. interests overseas.

The Justice Department has taken action to sue many foreign cartels that have engaged in price fixing, including, for example, the international vitamin cartel. There has been no retaliation against U.S. business interests abroad.

Only 11 Nations in the world are members of the OPEC oil cartel. There would be no reason for any other Nation to retaliate against the United States for attempting to enforce this legislation. The idea that OPEC could strongly discourage investment in the U.S. economy is likewise speculative and without basis. The existence of strong U.S. antitrust laws for over a century, laws that are already reaching foreign conduct affecting the U.S. markets, has not discouraged investment in the United States.

Further, and this is enormously important, this legislation does not require the administration to do anything. It simply gives them the authority to bring action in court against the OPEC oil cartel. It seems to me the legislation would have a constructive effect in bringing notice to the OPEC oil cartel that we do have recourse, should it be necessary, to move against them in retaliation of their fixing of prices of oil at unreasonably high levels.

That is why I believe this legislation should be passed by this body as it was passed by the House of Representatives.

I yield back the remainder of our time.

Mr. DOMENICI. I think Senator BINGAMAN yielded our time back.

The PRESIDING OFFICER. All time is yielded back. There will now be 30 minutes of debate on the Thune amendment. Who yields time?

Mr. BINGAMAN. Madam President, I see Senator WHITEHOUSE is waiting to speak on the Cardin amendment. Senator THUNE is agreeable to letting him speak for 3 minutes or so on that before beginning discussion on the Thune amendment. So I ask unanimous consent that that be the order.

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

The Senator from Rhode Island is recognized for 3 minutes.

AMENDMENT NO. 1610

Mr. WHITEHOUSE. I thank Senators BINGAMAN and THUNE for their courtesy. I am here today to express my support for an amendment sponsored

by my colleague, Senator CARDIN, regarding State approval for liquefied natural gas terminals. I am a cosponsor of this important bipartisan amendment with Senators MIKULSKI, SNOWE, DODD, KERRY, KENNEDY, BOXER, LIEBERMAN, and my senior Senator, JACK REED of Rhode Island.

Our country is grappling with a serious and difficult question: how to meet our growing energy needs without depleting our natural resources, threatening our environment or endangering our people.

I strongly support the work of Senators BOXER and BINGAMAN, with many of our colleagues, to take a significant step forward in our use of alternative and renewable fuels. But as we develop these new and emerging fuel sources, we must take great care to balance our need for energy with other imperatives.

Liquefied natural gas is rapidly assuming a larger share of the overall natural gas market. Over 40 new LNG terminals are now proposed for construction, many of which are planned near heavily populated areas or environmentally sensitive coastal areas. Unfortunately, in their haste to expand this market, the LNG industry and the Federal Energy Regulatory Commission have dismissed the risks this poses to public safety and the environment. I am particularly concerned about a proposed LNG terminal in Fall River, MA, a town of nearly 100,000 people, barely over the State line from Rhode Island.

This is Rhode Island's treasured Narragansett Bay. The Bay is used, particularly on beautiful summer days such as today, for commercial and recreational boating and fishing. Tens of thousands of Rhode Islanders live along its shores, and our Bay is in many ways the economic heart, as well as the environmental and recreational heart, of our ocean State.

Now, to reach the LNG facility proposed for Fall River, LNG tankers would have to navigate 21 nautical miles through Narragansett Bay, passing directly by the homes and businesses of 64,000 Rhode Island residents. Along the way, tankers would pass under four heavily trafficked bridges and execute what the Coast Guard itself recently described as extremely challenging navigational maneuvers, as many as 130 times per year.

Moreover, the tanker requires a security zone around it as it proceeds through the Bay. Here is the tanker. This is the size of the security zone it requires, completely occupying the east passage going up through Narragansett Bay between Newport and Jamestown. It would displace all recreational boaters and other cargo boats and disrupt bridge traffic as it transits.

The residents of my State of Rhode Island have spoken loudly and in large numbers against the LNG terminal proposed for Fall River. I have heard their deep concern about the environmental and security risks posed by LNG tankers passing so close to their homes and communities. Yet their

voices have not been heard adequately in the current process for permitting LNG terminals.

This amendment would help correct this flaw and give all States and communities the seat at the table they deserve, by requiring the concurrence of affected States for permits to build liquefied natural gas terminals.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. WHITEHOUSE. I urge my colleagues to vote in favor of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 1609

Mr. THUNE. Madam President, I rise today in support of my amendment to create clean energy corridors, which will greatly enhance our grid system to transmit clean and renewable energy.

Much of the debate in this Energy bill has focused on renewable energy. How much renewable energy should we use? How should it be produced? Who should be required to use it? However, this debate has overlooked a key component in this argument, which is, how do we transport this energy from areas with high concentrations of renewable resources to areas with high demand for electrical power?

Oftentimes, clean, renewable sources of power are located in rural areas with low demand for electricity and limited capacity to transmit large amounts of power long distances. At the other end of the spectrum, States with larger urban areas are passing State laws that require the use of renewable energy. In many cases, it is more economical to import that energy from other areas of the country.

It is critical that we create the infrastructure to allow that movement of energy to happen. I have to point to this chart to illustrate exactly how my State of South Dakota serves as a prime example of this dilemma. In South Dakota, we are blessed to have abundant sources of wind. In fact, according to the U.S. Department of Energy, South Dakota has enough wind to produce 566 gigawatts of electric power from wind, which is the equivalent of 55 percent of the Nation's electricity demand.

I will refer to the chart. If you look at these red areas and the pink areas, the purple areas around the country, all these different colors demonstrate varying amounts of wind energy.

Of course, as you can see, South Dakota and North Dakota, Minnesota, Iowa, have enormous amounts of wind energy available. Although South Dakota has an abundant source of wind, this renewable resource is dramatically underdeveloped in my State.

In fact, we have less than one-tenth the wind energy production of our neighboring States, even though our wind resources are far superior. The fundamental problem is we don't have the population markets to use large amounts of wind power within my State's borders.

More importantly, we lack the transmission capacity to carry wind power from rural areas in South Dakota to urban areas in other areas of the country. This amendment includes simple provisions that would significantly improve transmission development for renewable sources of energy.

First, this amendment would direct the Department of Energy to identify areas with transmission constraints that increase costs to consumers, limit resource options to serve load growth or limit access to sources of clean, renewable energy, such as wind, solar, geothermal energy, and biomass.

Upon completion of this study, after verifying all alternatives and public comments, the Department of Energy could then designate these areas as “National Interest Electric Transmission Corridors.”

These corridors, which enjoyed broad bipartisan support as part of the Energy Policy Act of 2005, are important tools for transmission development. Under current law, these corridors are targeted toward areas experiencing heavy grid congestion. My amendment would expand the designation of these corridors to include access to clean, renewable sources of energy.

This amendment also directs the Federal Energy Regulatory Commission to establish regulations that allow public utilities to allocate and recover costs associated with building the additional transmission infrastructure for wind and other forms of renewable energy. It ensures that rates associated with this development are reasonable, just, and nondiscriminatory.

By overcoming some of the inherent obstacles associated with transmitting renewable energy long distances, I believe this amendment promotes clean, renewable sources of energy in a commonsense fashion.

This amendment will serve as the blueprint for the 21st century grid by facilitating the national scale designation and construction of clean energy corridors that will enable the delivery of clean, sustainable, reliable power to consumers across this country.

As I have met with people from the industry, as I have traveled my State, as I have talked with those who invest in energy projects, it is clear that this is one of the issues that presents a major obstacle to wind energy development in this country. This amendment helps address that by creating and opening these corridors, clean energy corridors that would allow clean green wind energy to make it from areas where it is in abundance, places such as the State of South Dakota, to places in the country that desperately need affordable power.

So I hope my colleagues in the Senate will support this amendment and do something that will significantly address and further the production of wind energy and affordable electricity to America's consumers.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I wish to say to the Senator, I congratulate you on this amendment, the scope of the amendment and the rationale. It is something we need. From my standpoint, I am in favor of it. It will not require a rollcall vote. Hopefully, we can dispose of your amendment very shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, Senator THUNE's amendment makes a major change in a provision of the Federal Power Act that governs the siting of electric transmission lines. Until 2 years ago, the siting of electric transmission lines was under the exclusive control of the States. The Federal Power Act gave neither the Secretary of Energy nor the Federal Energy Regulatory Commission the authority to site transmission lines.

The States tended to make their siting decisions in the best interests of their citizens, not necessarily in the best interests of the citizens of neighboring or even distant States that might benefit by the long distance transmission of electricity.

Two years ago, in the Energy Policy Act of 2005, which I worked on with Senator DOMENICI, which amended the Federal Power Act to provide what is called the Federal backstop siting authority. Specifically, we directed the Secretary of Energy to conduct a comprehensive national study of electric transmission congestion once every 3 years.

We then authorized the Secretary to designate, based on the study, any geographic areas experiencing electric transmission congestion as “national interest electric transmission corridors.” The Secretary completed the first congestion study last August, and he has begun proceedings to designate the first national interest corridors.

Designation of an area as a national interest corridor is likely to have serious consequences. Under the law we passed 2 years ago, a utility that wants to build an electric transmission line within the corridor can apply to the Federal Energy Regulatory Commission for a permit, and the Commission can approve construction of the transmission line without the permission of or even over the objections of the State. Once the Federal Energy Regulatory Commission issues the utility a permit, the utility can then go into Federal court and exercise the Federal Government's power of eminent domain and take private property to erect the transmission line.

I have heard speeches in the time I have served in the Senate from many of my colleagues about their concern over the exercise of the power of eminent domain. The passage of the Thune amendment substantially increases the likelihood that authority, that power of eminent domain, will be exercised

against private property rights. Giving Federal officials and private utilities these powers was a major change in Federal law and a major departure from past practice. Nonetheless, we believed the step was warranted to ensure that the national interest in a national electric grid was protected. We believed that entrusting the Secretary of Energy with the task of studying congestion on a national basis and allowing the Secretary to designate only those areas which affected the national interest would prevent abuse of this Federal eminent domain authority.

Even though this authority is less than 2 years old, no corridors have yet been designated, no construction permits have been issued, and no private property has been taken. The authority is already, however, proving very controversial. There is major opposition to the use of this authority just west of here in northern Virginia and in other areas of the country. There has been talk of repealing the authority.

The Thune amendment will only add to the controversy. It makes a fundamental change in the current authority. The Thune amendment says that “the Secretary may designate additional corridors . . . upon the application by an interested person.” So even though the Secretary of Energy did not find that a particular area presented congestion concerns of national interest in conducting his congestion study last year and even though the Secretary of Energy did not see fit to propose an area as a national interest corridor, a utility that would like to make use of the Federal eminent domain authority to take private property can apply to the Secretary and the Secretary could then designate the area as a corridor under this new authority. This, as one of the authors of the provision we put in law in 2005, is a major expansion of that authority, and it is an unwarranted expansion.

In addition, the Thune amendment contains additional provisions on rates and recovery of costs which direct the Federal Energy Regulatory Commission to issue new rules setting transmission rates for the recovery of the cost of transmission lines in national interest corridors. Frankly, I am not entirely sure what the purpose of these provisions are. I am not sure how these provisions affect the ratemaking authority the Commission already exercises under the Federal Power Act. They are either redundant or unnecessary or else they authorize the Commission to set up a new rulemaking standard that will apply in national interest corridors different from the standard the Commission applies elsewhere.

I urge my colleagues to oppose the amendment. We should give the program we created in the Energy Policy Act just 2 years ago a chance to work before we dramatically expand it in ways that are not entirely clear.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, because our very economic security is dependent on the availability of electricity, our Nation must reinforce its electric power transmission system.

In the Energy Policy Act of 2005, Congress sought to establish national interest electric transmission corridors to make America's electricity grid more secure by ensuring there is enough capacity in essential areas.

In EPAct, we directed the Energy Department to identify regions where electricity reliability is threatened by transmission congestion and to designate national corridors. Congress further provided FERC with "backstop siting" authority for the construction of transmission facilities if the states involved are unable or unwilling to do so.

Just recently, DOE unveiled the following two draft corridor designations: the Mid-Atlantic Area National Corridor, which runs from New York to Northern Virginia; and the Southwest Area National Corridor, which includes counties in southern California, western Arizona, and southern Nevada.

The amendment offered by Senator THUNE would authorize the Energy Department, in designating national corridors, to consider transmission constraints or congestion that increases costs to consumers; limits resource options to serve load growth; or limits access to sources of clean energy, such as wind, solar, geothermal, and biomass.

Now we just had a debate on the Senate floor last week on the use of renewable energy sources. We all support the increased use of renewable energy sources but there is often heated opposition to the siting of transmission facilities. This is not in the national interest.

I don't see how you can support a mandate for more renewable energy sources but then oppose the designation of national corridors to get the transmission built that is needed to move these renewable energy sources to market.

Yet as we consider this amendment to expand the work we began in the Energy Policy Act of 2005, there are those in the House that are attempting to block the needed funding to implement the national corridors designations out of NIMBY concerns. Again, such attempts are not in the national interest.

The siting provision in EPAct literally provides a light at the end of the tunnel for parts of the country where the electricity grid is at risk due to congestion.

The Thune amendment simply seeks to allow national corridor designations to ensure the necessary transmission to access clean sources of energy like wind, solar, geothermal, and biomass.

I ask my colleagues to support the Thune amendment.

I congratulate Senator THUNE for his amendment because it is just a rational extension and expansion of what we did in the Energy Policy Act. I hap-

pened to be part of that Energy Policy Act. As a matter of fact, I think I can say that for years before we got together and Senator BINGAMAN and I were carrying it, we couldn't get it through. But we did get it through. I believe we got it through because it was high time the United States decided that for most matters we could stand on States rights, but every now and then something percolated up that demanded that we take a serious look at a greater interest of the Federal Government.

That is all we are talking about here. If the development of our electric grid ran into situations where you couldn't go through because of the obstinacy of a State to your moving from one State to another or one property owner had a transmission line totally locked up, you could back that up with the Federal Government ending up saying: It has to go because it is a big national interest. You are just kind of piggybacking on that national interest already found in that law as we passed it. Therefore, I believe it is appropriate that we pass this amendment tonight.

I yield back any time I have. I wonder if Senator BINGAMAN would so we could vote.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Before I yield back my time, I thank both Senators from New Mexico. They have both been great leaders on the energy issue.

The 2005 Energy Act was a landmark accomplishment in the Congress. It set a lot of new policy with regard to energy and moved us in a direction that gets us less dependent upon foreign sources of energy and more energy independent, which I think is what this debate is all about.

I argue with respect to this amendment that it builds upon the work we did in 2005. In fact, that amendment that was talked about in 2005 which deals with those areas which are experiencing heavy grid congestion—this simply expands that designation to those corridors to include access to clean, renewable sources of energy, which I believe is what a part of this debate is all about; that is, how do we take energy sources in this country, make them more available to people across the country, and lessen the dependence on foreign sources of energy?

I use my State as a prime example. There are lots of different regulatory bodies, whether it is the Federal Energy Regulatory Commission, the Western Area Power Administration, the Midwest Independent System Operators, whether it is the Public Utilities Commission of the State of South Dakota, there is a balkanization of networks out there that has evolved over time that has created these barriers in the grid to getting power from where it is generated, where it is produced, to where it is needed. My State is a good example of that. On the border of South Dakota, we have what is called a pancaking problem where there is a

stacking of fees that makes it difficult to get wind generated in South Dakota across State lines into other areas that could benefit from it.

This is fairly straightforward and consistent with the good work that was done in the Energy bill in 2005. It doesn't in any way undermine or contradict that but complements it in a way that is consistent with what our priorities should be and what our objectives are in terms of energy policy.

I appreciate the comments of both of my colleagues from New Mexico, and I yield back the remainder of my time.

Mr. BINGAMAN. Madam President, I yield back any additional time remaining in opposition.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 1609.

The amendment (No. 1609) was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1610

The PRESIDING OFFICER. Under the previous order, there remains 11½ minutes in support of and 15 minutes in opposition to amendment No. 1610 offered by the Senator from Maryland, Mr. CARDIN.

Who yields time? The Senator from Maryland.

Mr. CARDIN. Madam President, I yield myself 3 minutes.

The amendment I am proposing with Senators MIKULSKI, SNOWE, DODD, KERRY, REED, KENNEDY, WHITEHOUSE, BOXER, and LIEBERMAN would restore the authority of our State and local governments to protect the environment and ensure public safety with respect to the siting of liquefied natural gas—LNG—terminals within their States. This measure simply gives our States a say as to whether these kinds of facilities should be built within their boundaries and, if so, the exact location.

It amends the Rivers and Harbors Act of 1899. Under that law, the Army Corps of Engineers, acting for the Secretary of the Army, is responsible for issuing permits to anyone who wants to build a structure in and above waters of the United States. These are often called section 10 permits because that is where the provision is found in the Rivers and Harbors Act.

I wish to clarify, we are not changing the authority of the Federal Energy Regulatory Commission. Their authority to site is not changed by this amendment. What we are doing is requiring the Army Corps to work with our States before they issue their permits under the Rivers and Harbors Act. This is not about stopping LNG plants from being sited. Today, there are six in our country. One is located in my State of Maryland in the right location. This amendment is about siting

LNG plants where they should be sited and having confidence in federalism and in our States. Our States will act responsibly, but they should be consulted before LNG plants are sited. That is what this amendment will do. We want to make sure they are located in the right locations.

My colleague from Rhode Island pointed out pretty vividly the concerns he has about a site up in the New England area. AES Sparrows Point LNG and Mid-Atlantic Express have proposed building a new terminal near a densely populated area of Baltimore. That is the wrong location for an LNG plant. If we had consultation and working with the States, we would be able to site these facilities without the risk that they will be located in areas where they should not be. That is what the amendment is about. In our area, our congressional delegation, Governor O'Malley, Baltimore County Executive Jim Smith, and other local officials have all come out against this particular location because of the risk to the community, because of the risk to the environment.

This amendment is very simple. It requires the Army Corps to work with our States before an LNG license could be issued under section 10 permits. It is the right way for federalism to work. We should take advantage of each State's unique understanding of the issues it faces and make sure that expertise is considered in a meaningful way. That is why the Coastal States Organization supports this amendment. They believe it is the right sharing of how LNG plants should be sited.

I urge my colleagues to respect federalism. Respect the goodwill of our States. Respect the fact that we want LNG facilities and terminals to be located, but we want them to be located in the right location.

I yield my colleague from Maryland 5 minutes.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank my colleague.

I understand this is his first amendment that will be voted on in the Senate. I am proud to stand with him as he stands up for Maryland and also stands up for the fact that when we are talking about the siting of an LNG facility, those who are the most affected should have the most to say, which means the State in which it is being located. I support this amendment because it is also the right public policy and because it is the right public policy for Maryland.

I am absolutely opposed to a new LNG facility in Sparrows Point, MD. As the senior Senator from Maryland, I will do all I can to protect the people of Baltimore and to protect the Port of Baltimore. I oppose this LNG facility because of my fears and frustrations. I worry about a terrorist attack. I worry about an accident with ghoulish consequences. This is a national security issue and a community security issue, not just an energy or a budget issue.

These concerns are not mine alone. According to a GAO report, scientists and engineers have raised enormous concern about the potential hazard of an accident or an attack on LNG facilities. GAO says we don't know about the impact of an LNG accident on public safety. We are talking about possible injury and death. How can anyone make a decision on LNG without knowing the decision on public safety?

This is why I support this amendment. This amendment gives States and communities a stronger voice by making sure the Army Corps of Engineers gets the approval of the affected State before giving permits for construction for an LNG facility. That means the Governor can say: "Hold on a minute; this is not good for my State," or, "Hold on a minute; it is good for my State."

We cannot let a Federal agency rubberstamp plans for an LNG facility. I am committed to promoting America's energy independence, but it must not compromise our national security or our neighborhood security. I want to make sure we know the consequence of what happens when an LNG facility comes to a geographic area. What can be done and should be done to review and control the plants, the docks, the ships, the crews?

I do not want permits issued and foreign-flagged tankers coming to our ports until we know key answers. I do not want permits authored by Federal agencies when our States are adamantly opposed and they are not involved in the decision making. Many States will welcome it. Some States will raise questions as we have.

It is my responsibility as a Senator to make sure we ask the right questions to protect the American people. But, most of all, we want to give the people most affected something to say.

We worry about this second LNG facility in Sparrows Point. It is 50 miles up the Chesapeake Bay. These tankers will have to pass under the Bay Bridge. My Governor is worried about the impact on the Port of Baltimore, and the people are worried about the impact on the community.

My colleague says we have another facility, and it was in the right place. Well, I am not sure it was in the right place. They built this LNG facility 3 miles away from a nuclear powerplant—3 miles away from a nuclear powerplant—but it got closed in the 1980s when the market went down. But guess what. FERC issued a permit to reopen Cove Point in a different part of the State 1 month after 9/11, and they did not ask about security concerns. It took this Senator—and then my colleague, Senator Sarbanes, and I—demanding the Department of Homeland Security get involved, demanding the Nuclear Regulatory Commission to say: Is it OK to have an LNG facility down the street? I had to force the Coast Guard to look at it from a security standpoint rather than just an environmental standpoint.

I worry about the rockfish in the bay, but I worry about the people who eat the rockfish in the bay, meaning my constituents. We finally got the reviews we needed and we moved ahead with the permit. Let me tell you, I am on the side of safety, and I believe the safest thing is to make sure the Governor has a chance to comment with the Corps and to have an expressed impact on this permit facility.

I think the Senator's policy is a wise one; it is a prudent one. It is narrowly crafted. I ask my colleagues to adopt the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do we have in opposition?

The PRESIDING OFFICER. Fifteen minutes.

Mr. DOMENICI. Well, I want to take 5 minutes and yield the rest of it to Senator BINGAMAN. But I do want to make a point that this country is going to need large amounts of natural gas over the next 15, 20, 30 years. One source is probably going to be LNG, liquefied natural gas. It is terribly important for our country that we have this available when we need it, and if the price is right that we be able to locate sites that serve the United States.

Now, frankly, when we passed the Energy Policy Act, there were three or four things that were very much on the minds of those who wanted to deliver energy to the United States. I say to my new friend, the new Senator from Maryland, one of those at that particular time happened to be liquefied natural gas and those around the world who were trying to figure out whether the United States was going to be a place where they could sell liquefied natural gas or was it going to be a place where they could be held up forever.

We had to decide, as we worked through this very gigantic, gargantuan bill, what we were going to do about the concern on the part of the LNG market that if you left the law as it was, every State's Governor would have a veto power, and in some instances mayors would have veto power over an LNG site. We decided that would not work.

Now, we did not take away everyone's power. As a matter of fact, we encouraged cooperation. We encouraged the involvement of the States and the local governments with the LNG company, and we said only when you get to the point where you cannot reach agreement does the Federal Government step in, and then they backstop it and make a determination, through FERC, what is in the interest of our Nation, what is fair, and what is right.

Frankly, I don't know the facts about the Maryland plant, and I do not believe we need to know them on the floor of the Senate, nor do the Senators. What we need to know is we have a good law now on the books that

gives involvement and participation to everyone who ought to have that, but it does not give a Governor veto power over the site.

I correct any implications or direct statements by my good friend, the new Senator from Maryland. There is no question the amendment which they offer seeks veto power on the part of the Governor, gives the ultimate control to the Governor of the State as to what happens to an application. I do not believe that is what we wanted when we overwhelmingly—as the occupant of the chair has said so many times—in a bipartisan manner passed the Energy Policy Act.

I do not think we intended the first time we had a problem that somebody would come to the floor and change that wonderful law that was clear as could be, that when it came to locating LNG plants, we were not going to revert back to where we were and take the power away from FERC, the Federal agency in charge, and reinvest it in the Governor of the State.

We all know how this happens. People get disgruntled about a site, they go to the Governor, we immediately have a political tussle, and, all of a sudden, the Governor, talking to 500, 600, 700 people at a meeting, cannot get out of it, and that puts the Governor in the position where he has to say: I am not going to let that happen.

We saw that over the years. We saw it in other areas. We were bold enough in that Energy Act to change that situation, not only when it came to this kind of LNG siting but we also changed it—just a while ago we were talking about it as it pertained to the grid—the occupant of the chair might recall, where we said, if the grid gets clogged up, where you cannot get things done, we are going to actually put power in the Federal Government to use its public powers to take that gorging and dislodge it through eminent domain.

We did that, and we did other things, all in the interest of what we knew was true; that you ultimately had to let energy sources and energy grids and energy plants—you had to let the Federal Government have the last say, especially where arbitrariness on the part of the local unit was entering the picture and they wanted their way, their way under all circumstances.

I thank the Chair for being aware that I am over a moment or so, but I am now finished and have left most of the time for Senator BINGAMAN because I think he will do a good job, and maybe we will not have to have a vote. But if we do, I urge Senators not to change the law they just voted for 77 strong. Do not change it the first time we get an amendment of this nature coming before us. Leave it there for a try. Let it get tried. It is going to work. It is not going to hurt anybody.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am sympathetic to the concerns of my col-

leagues from Maryland, but I also rise to oppose their amendment.

Just 2 years ago, the Senate approved the Energy Policy Act of 2005 which contains this comprehensive approach to the siting of liquefied natural gas receiving terminals. In that bill, Congress gave FERC, the Federal Energy Regulatory Commission, the jurisdiction to approve the siting of LNG terminals that are located on shore.

FERC acts as the lead agency for NEPA compliance and also as a safety regulator. The combined NEPA and permitting process set forth in that legislation, EPAct 2005, fully recognizes the role of other Federal agencies and the role of State agencies acting under delegated Federal authority.

A project developer is not able to move forward unless all relevant permits are granted. FERC has addressed State concerns related to other LNG facilities through conditions placed on its approval certificate and it has denied a certificate due to safety concerns. So it is clear FERC is taking this authority and responsibility very seriously.

Moreover, this EPAct 2005 legislation also mandated the consideration of State concerns in the NEPA prefiling process which occurs very early in the siting process. The Governor of the affected State has a direct role in that process.

The Senators from Maryland describe their amendment as “not affecting FERC authority,” but the amendment would essentially trump FERC’s authority to site the entire facility.

As my colleagues know, LNG is imported. It is delivered to this country by ship. Therefore, an absolutely essential piece of the LNG receiving facility is a place for the ship to moor and to unload its cargo; that is, a dock that is constructed in the navigable waters of the United States. The Senators’ amendment would allow a Governor of an affected State—and there is a very broad definition of which States are affected; in fact, any State within 15 miles of the terminal would be an affected State under their definition—it would allow the Governor of an affected State to block the Corps’ permit, Army Corps of Engineers’ permit. Obviously, there is no point in building a terminal if the ship is not permitted to get near it.

Finally, all of us are aware of the high price of natural gas and the pressure that puts on electricity prices, home heating prices, and on the viability of domestic industries that rely on natural gas. The Energy Information Administration estimates that by 2030 the United States will need almost 21 billion cubic feet per day of regasified LNG to meet a total estimated demand of about 81 billion cubic feet per day. This means LNG will account for over 25 percent of our natural gas supply. We need a workable process to assure we have adequate capacity to meet this need.

So, Mr. President, for those reasons, I urge my colleagues to vote “no” on this amendment.

I know the Senator from Maryland wishes, I assume, to use the remainder of his time or to conclude his argument. Following that, I will yield back the remaining time in opposition.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, let me thank both of my friends from New Mexico for their leadership on this bill. They have brought forward a good bill—a bill that I am proud to support and a bill that I hope will be strengthened by the amendment process and that will allow us to become energy independent because we need to for national security reasons, for economic reasons, and for environmental reasons.

But it is important that we get it right and that LNG facilities and terminals be placed in the right locations. My friend from New Mexico says this is a veto power by the State. It is not veto power by the State, no more so than you think FERC today has dictatorial powers on siting LNG plants. What my amendment is trying to do is to make sure our States work with the Federal Government and with our Federal agencies on appropriately siting LNG facilities. That is how federalism should work.

I have confidence in my Governor. He was elected by the people of Maryland. He is going to do the right thing. He makes tough decisions. We make tough decisions. But we should work together because that is the way we are going to be able to get the type of energy policy in this country that will achieve all three objectives, and that is security for energy independence, economic security, and environmental security for this country.

We need to engage our States. We should. This amendment does not change the law that was passed 2 years ago. FERC power remains the same. It amends the Rivers and Harbors Act dealing with the Army Corps of Engineers. That is what it should be; they should be consulting and working with the States before they issue their permits. This is a real problem. There are dozens of applications pending today. We will be able to site LNG plants, but let’s site them in the right location. Let’s not site them, as my friend from Rhode Island said, in a very sensitive part of Massachusetts or Rhode Island that literally would block recreational use and endanger communities. Let’s not site them in a place right next to downtown Baltimore, which we know is going to present a risk—not just an accidental risk but a terrorist target. That is not where we should site LNG plants.

So we can get it right. We can get our energy policy right. I urge my colleagues to respect federalism, respect the fact that the States and the Federal Government should be working together on the energy policies of this

country so we truly become energy independent for the right reasons. I urge my colleagues to support the amendment.

Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor of this amendment.

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

Mr. BINGAMAN. 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. CARDIN. 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. 1520, AS MODIFIED

Mr. CARDIN. Mr. President, I ask unanimous consent that my amendment No. 1520 be made the pending amendment for the purposes of modifying it, and I send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment as modified is as follows:

At the end of subtitle D of title II, add the following:

**SEC. 255. SUPPORT FOR ENERGY INDEPENDENCE OF THE UNITED STATES.**

It is the policy of the United States to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that all but 10 percent of the energy needs of the United States are supplied by domestic energy sources.

**SEC. 256. ENERGY POLICY COMMISSION.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the “National Commission on Energy Independence” (referred to in this section as the “Commission”).

(2) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 3 shall be appointed by the minority leader of the Senate;

(D) 3 shall be appointed by the Speaker of the House of Representatives; and

(E) 3 shall be appointed by the minority leader of the House of Representatives.

(3) CO-CHAIRPERSONS.—

(A) IN GENERAL.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) POLITICAL AFFILIATION.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(4) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act.

(5) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the energy policy of the United States by—

(1) reviewing relevant analyses of the current and long-term energy policy of, and conditions in, the United States;

(2) identifying problems that may threaten the achievement by the United States of long-term energy policy goals, including energy independence;

(3) analyzing potential solutions to problems that threaten the long-term ability of the United States to achieve those energy policy goals; and

(4) providing recommendations that will ensure, to the maximum extent practicable, that the energy policy goals of the United States are achieved.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than December 31 of each of calendar years 2009, 2011, 2013, and 2015, the Commission shall submit to Congress and the President a report on the progress of United States in meeting the long-term energy policy goal of energy independence, including a detailed statement of the consensus findings, conclusions, and recommendations of the Commission.

(2) LEGISLATIVE LANGUAGE.—If a recommendation submitted under paragraph (1) involves legislative action, the report shall include proposed legislative language to carry out the action.

(d) COMMISSION PERSONNEL MATTERS.—

(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) FEDERAL AGENCIES.—

(A) DETAIL OF GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission.

(ii) NATURE OF DETAIL.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(B) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out the duties of the Commission.

(e) RESOURCES.—

(1) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The co-chairpersons of the Commission shall make requests for access described in paragraph (1) in writing, as necessary.

Mr. CARDIN. Mr. President, I ask unanimous consent that the amendment be set aside.

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

Mr. CARDIN. 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. KOHL. 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. 1519

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1519 offered by the Senator from Wisconsin.

The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I urge my colleagues to join me and our 13 co-sponsors in voting in favor of our OPEC amendment. This amendment will declare price fixing by the OPEC oil cartel illegal under our antitrust laws and will give our Government a much needed weapon to combat the illegal actions of the OPEC cartel that harms consumers every time they visit the gas pump.

Contrary to the fears of the opponents of this amendment, this amendment will not harm either our foreign relations or foreign investment in the United States. Enforcement of NOPEC is reserved exclusively to the Justice Department. Should the administration deem it imprudent to take action against NOPEC, then it need not do so. It is long past time for us to have the ability, should our Government decide to do so, to take legal action to fight back against the OPEC conspiracy on behalf of American consumers.

So I urge my colleagues to join 345 House Members who last month voted in huge numbers in favor of NOPEC.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, since I don't see anyone else here, let me speak in opposition to the amendment.

This is one of these feel-good amendments where you can tell your constituents you struck a blow for freedom by outlawing OPEC.

The truth is, this is terrible precedent for us to say we are going to drag foreign governments into our court system and allow them to be sued for antitrust violations. We have always stopped short of doing this. The precedent would be terrible because obviously they would do the same thing with us. If we can bring foreign governments into our courts and subject them to penalties here, they can bring our Government into their courts and do the same thing. The courts have stayed away from these issues. These are diplomatic issues and political issues the courts should stay out of.

I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Kohl amendment.

Mr. BINGAMAN. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), 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 Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. McCAIN).

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

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—70

Akaka	Feinstein	Nelson (NE)
Alexander	Graham	Obama
Baucus	Grassley	Pryor
Bayh	Harkin	Reed (RI)
Boxer	Hatch	Reid (NV)
Brown	Hutchison	Rockefeller
Bunning	Inouye	Salazar
Byrd	Isakson	Sanders
Cantwell	Kennedy	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shelby
Casey	Kohl	Smith
Chambliss	Lautenberg	Snowe
Clinton	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Tester
Corker	Martinez	Thune
Craig	McCaskill	Voinovich
Crapo	McConnell	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Ensign	Murray	
Feingold	Nelson (FL)	

NAYS—23

Allard	Dole	Lott
Bennett	Domenici	Lugar
Bingaman	Enzi	Murkowski
Bond	Gregg	Roberts
Burr	Hagel	Sununu
Cochran	Inhofe	Vitter
Cornyn	Kyl	Warner
DeMint	Landrieu	

NOT VOTING—6

Biden	Coburn	Johnson
Brownback	Dodd	McCain

The amendment (No. 1519) was agreed to.

AMENDMENT NO. 1610

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1610, offered by the Senator from Maryland, Mr. CARDIN.

Who seeks time?

The Senator from Maryland.

Mr. CARDIN. Mr. President, this amendment would restore the authority of State and local governments to protect the environment and ensure public safety with respect to siting of liquefied natural gas, LNG terminals. This measure simply gives our States a say in whether these kinds of facilities, LNG facilities, should be built within their boundaries and, if so, their exact location.

The amendment does not eliminate FERC's siting authority. It doesn't

amend the FERC statute at all. It amends the Army Corps' permitting statute and requires that the Army Corps work with our States in siting LNG facilities.

The amendment is common sense, one that engages our States as partners in serious decisionmaking authority as to where an LNG plant should be located. This bill is all about securing America's future through energy independence. We need to work with our States. It should be federalism. We should respect the authorities of our States and the sincerity of our Governors, and this bill restores that type of balance so that the States are involved in protecting the environment at the location of LNG facilities.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this amendment does not just allow the States to participate in the decision; this amendment would give the States the ability to veto the issuance of any permit to the Army Corps of Engineers to build a terminal and would, in that way, cut us off from needed access to international supplies of liquefied natural gas, LNG. We are going to be more and more dependent upon these liquefied natural gas supplies from overseas. We need to have these terminals constructed. We have a provision in existing law that gives us good processes for including the States, but it is important that we not change existing law.

Senator DOMENICI, did you wish to speak?

Mr. DOMENICI. Mr. President, I want to say that I wholeheartedly agree with Senator BINGAMAN. Just 2½ years ago, we decided we needed LNG so much in the future that we wanted an orderly process that did not give the Governors of each State the right to veto. This one is even broader. This gives Governors a 15-mile radius around the opportunity to veto.

I don't think we should change the law so quickly. I think we should leave it alone for a few years.

The PRESIDING OFFICER. The Senator's time has expired. The question is on agreeing to the amendment of the Senator from Maryland, Mr. CARDIN.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), 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 Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. McCAIN).

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

The result was announced—yeas 37, nays 56, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—37

Akaka	Feinstein	Obama
Boxer	Harkin	Reed
Brown	Inouye	Sanders
Byrd	Kennedy	Schumer
Cantwell	Kerry	Sessions
Cardin	Lautenberg	Shelby
Carper	Leahy	Smith
Casey	Levin	Snowe
Clinton	Lieberman	Stabenow
Collins	Menendez	Stabenow
Conrad	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feingold	Nelson (FL)	

NAYS—56

Alexander	Dorgan	McCaskill
Allard	Ensign	McConnell
Baucus	Enzi	Murkowski
Bayh	Graham	Nelson (NE)
Bennett	Grassley	Pryor
Bingaman	Gregg	Reid
Bond	Hagel	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Chambliss	Inhofe	Specter
Cochran	Isakson	Stevens
Coleman	Klobuchar	Sununu
Corker	Kohl	Tester
Craig	Kyl	Thune
Crapo	Landrieu	Vitter
Dorgan	Lincoln	DeMint
Durbin	Lott	Voinovich
Ensign	Lugar	Dole
Feingold	Martinez	Johnson
		Dodd
		McCain

NOT VOTING—6

The amendment (No. 1610) was rejected.

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

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

Mr. REID. Mr. President, I ask unanimous consent that Senator BAUCUS be recognized, following him, Senator ENZI, following him Senator GREGG.

Mr. GREGG. And Senator MURKOWSKI.

Mr. REID. Senator ENZI, how long do you wish to speak?

Mr. ENZI. Six to eight minutes.

Mr. REID. How long do you wish to speak, Senator GREGG?

Mr. GREGG. About 10 minutes.

Mr. REID. Senator MURKOWSKI, do you know?

Mr. GREGG. Senator MURKOWSKI for 5 minutes, I believe.

Mr. MURKOWSKI. Ten minutes.

Mr. REID. We will follow that by Senators MENENDEZ, SCHUMER, and BROWN, up to 10 minutes each. Is that OK? You have all that down? Thank you very much.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent the pending amendments be temporarily set aside so I can

offer an amendment incorporating the Finance Committee-reported energy tax package.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I object.

Mr. ENZI. I object.

The PRESIDING OFFICER. Without objection.

Mr. BAUCUS. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, I don't know why there is objection. I note while there is objection, I will talk about it until we get the objection cleared. This is a Finance Committee amendment passed out of committee. It is very straightforward. We have a copy. The Senator from Wyoming objected?

Mr. ENZI. Mr. President, I think the objection was on the basis that we just got the file. We haven't looked at it at all.

Mr. BAUCUS. You will have time to look at it. We are not going to vote on it for a while. You will have lots of time to look at it. You will have time to look at it, believe me. This is a formality. It is good to bring it up now so we move the process along so the Senator and other Senators have time to look at it.

Mr. ENZI. I have no objection to someone talking on it, but I would like to take a look at it, whatever it is.

Mr. BAUCUS. I inform the Senator I am only asking the amendment be brought up. There will be plenty of time. In fact, the Senator could speak as long as he wants and other Senators could speak as long as they want as we look at the amendment.

The ordinary course is the amendment is brought up. This has been fully vetted in the Finance Committee. Senators on both sides of the aisle passed it by a vote of 15 to 5. Members on the Republican side voted for it in committee.

I hope we can at least get the amendment up, and then we can work the usual Senate will.

Mr. ENZI. Apparently, there are objections on our side. I have no objection to you going ahead and speaking to it, but they want to look at the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside so I may offer an amendment incorporating the Finance Committee-reported energy tax package.

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

AMENDMENT NO. 1704

Mr. BAUCUS. Mr. President, I call up amendment No. 1704.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, Mr. BINGAMAN, Mrs. LINCOLN, Mr. WYDEN, Mr. SCHUMER, Ms. CANTWELL and Mr. SALAZAR, proposes an amendment numbered 1704 to amendment No. 1502.

Mr. BAUCUS. 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 today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators GRASSLEY, BINGAMAN, LINCOLN, WYDEN, SCHUMER, CANTWELL, and SALAZAR be added as cosponsors.

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

Mr. BAUCUS. Mr. President, I have a long statement here which I am not going to read. Essentially this is the Finance Committee amendment. It goes a long way to help create incentives for renewables and for carbon sequestration, which is so important. It is a \$20-billion-plus amendment over 10 years. It is fully offset. It is all paid for. It passed out of the Finance Committee by a vote of 15 to 5 earlier today. We spent a lot of time on this amendment and I think it is one of which the Senate can be very proud.

Basically, we are building on the strong foundation we already have with respect to tax incentives in our country. We continue our commitment to clean energy and renewables. We extend existing tax incentives for solar power, wind power, fuel cells, and energy-efficient homes and buildings. We create a tax incentive for transmission projects related to renewable energy projects and provide more than \$3.6 billion over 10 years for renewable energy bonds. I might say this will benefit all of the States and also is of particular interest to my home State of Montana, and I know also to the Senator from Iowa, Senator GRASSLEY.

But we are going further than all that. We are also trying to extend the frontier in three areas that are critical to our Nation's energy future. One is cellulosic ethanol. We give significant incentives for cellulosic ethanol development; hybrid cars, significant incentives for the purchase of hybrid cars as well as plug-ins for hybrids; and third, carbon sequestration.

We propose a \$1.11 per gallon tax credit for up to 60 million gallons of cellulosic fuel produced from sawgrass, agricultural wastes, and other biomass.

Hybrid cars provide an opportunity to make transportation cleaner—high-mileage cars with almost no emissions. I think it is worth exploring. The amendment calls for a new credit for plug-in vehicles for \$2,500 to \$7,500.

We are also trying to take advantage of the vast reserves of coal we have in our country. We clearly also have great concerns about global warming. I think it is imperative that we use our coal to help meet our energy needs, but we also have to prevent carbon dioxide from escaping into the atmosphere.

There are various provisions here with respect to carbon sequestration. It depends upon whether it is known as a clean coal facility, but we use tax credits provided in this mark, which must capture and sequester at least 65 percent of its carbon dioxide emissions. That is with respect to power that is used to generate electricity. The utility industry tells us we can't go higher than 65 percent sequestration or capture sequestration for the utility industry. But we are going higher in other areas, and one is the coal-to-liquids sequestration. We extend the current 50-cent rate for coal-to-liquids to the year 2012. We also provide for a 75-percent capture of carbon for coal to liquids. This provision generated some controversy in the committee—some wanted it much higher, some wanted it lower. We felt that 72 percent is a pretty good compromise and a good place to begin.

I will also add that we provide 50 percent bonus depreciation for new dedicated pipelines that will be used to transport carbon dioxide from an industrial source to a geological formation for permanent disposal.

There are many other provisions in this amendment which I will not mention, except to say that this is a very great addition to the underlying package. We are turning the corner here. We are enacting legislation which will help move America away from the past and more toward the future. The future is renewable energies, alternative energies. It is conservation provisions which we also have in this bill. It is utilizing our coal reserves in the same way; that is, making sure the carbon is sufficiently captured. It is all paid for, and it is paid for by closing some loopholes in the coal and gas industry and also by repealing the reduction for section 199 for the major oil companies. This applies only to the five majors.

We also propose a tax on gulf oil production. Some will say: Gee, aren't we discouraging domestic production by doing that in America with those provisions? But I must point out that since section 199 was enacted several years ago, the actual domestic production in the United States has declined. A few years ago when that provision was enacted, the price of gasoline was much lower than it is now. It is much higher today. In addition to that, the projected profits for the oil and gas industry for the next 10 years are projected to be \$1 trillion. If you look at the profits, if you look at how much gasoline prices have risen, and if you look at the decline in domestic production in this country over the last several years, even with those very high profits, it is pretty clear this offset will

not in any way diminish our prospects of domestic production and will not cause gasoline prices to increase. In fact, there is a study by the Joint Tax Committee which makes that very point; namely, since these provisions were put into effect a couple or 3 years ago, domestic production has not increased. It has not helped increase domestic production in the United States. Actually, domestic production has decreased.

So we feel this is a good package. It is paid for properly. It passed the committee by a vote of 15 to 5. I recommend this Finance Committee package to the full Senate. We will work our will on it over the next several days, but I think it is an excellent start.

I yield the floor.

**THE PRESIDING OFFICER.** There is a previous order.

**MR. BINGAMAN.** Mr. President, who is the next person to speak?

**THE PRESIDING OFFICER.** The Senator from Wyoming, Mr. ENZI.

**MR. BINGAMAN.** I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Wyoming is recognized for 8 minutes.

#### GRAND TETON NATIONAL PARK EXTENSION ACT OF 2007

**MR. ENZI.** Mr. President, it was just a few days ago when we heard the news that we had lost our dear friend and colleague, Senator Craig Thomas. We lowered our flags and joined together as a family to say goodbye to someone who fought for what he believed in and worked to the end to make Wyoming and the West better places to live.

Craig is now gone, but the work he began lives on. That is why I am pleased to offer an amendment to S. 277, the Grand Teton National Park Extension Act of 2007. My amendment builds on the work begun by Craig and the efforts of Chairman BINGAMAN and Ranking Member DOMENICI who worked so hard to shepherd this bill through the legislative process. In addition, I also thank Majority Leader REID and Minority Leader McCONNELL for bringing this bill to the floor so we can make one of Craig's legislative goals a reality.

It is no surprise that Craig worked so hard to develop, draft, and introduce this legislation. No one understood the needs of Wyoming and the West better than he did. Craig was a cowboy from the top of his hat to the tip of his boots. There was nothing he enjoyed more than riding a horse through our national forests and spending time in the great outdoors.

Craig's love for the wide open spaces of our State led him to introduce the Grand Teton National Park Extension Act of 2007. When it is signed into law, it will allow the Secretary of the Interior to accept the donation of approximately 50 acres of private land that will be added to Grand Teton National Park. In addition to Craig, we have the

Halpin family to thank for their generosity. It will truly be a gift enjoyed by the people of Wyoming and the West, and the whole country, by all who come to visit our national parks every year.

When that land is added to Grand Teton National Park, it will have another little addition to it. That addition is to rename the visitors center the Craig Thomas Discovery and Visitor Center. It will provide the people with a place to stop and visit during their trips to Grand Teton where they can learn about the history of the park and the life of Craig Thomas. I cannot think of a better way to remember Craig's life than to share it with all who benefitted from his many years of hard work and public service.

Craig dedicated his life to protecting and preserving our State's natural resources, especially our parks. He was a tireless and true advocate for those important and precious facilities, and he fought for their protection when he served as chairman and later as ranking member of the National Park Subcommittee of the Committee on Energy and Natural Resources.

Craig had a proud history on the committee and in the Senate as he constantly and consistently advocated for the best administration and management of our park system. He authored legislation that provided critical funding and mandated management reforms that were necessary to keep our parks pristine and ensure they would be available for future generations to enjoy. He worked with all of his colleagues, regardless of their party affiliation, to increase funding for our parks so they could better deal with the maintenance backlog that exists. Now that he is gone, our parks have lost one of their best friends.

Renaming the visitors center will ensure Craig's legacy will continue and never be forgotten. As noted in a letter by the Grand Teton National Park Foundation:

Senator Thomas championed this project since 1997. His leadership in securing an \$8 million appropriation inspired the Foundation to raise \$13.6 million in private funds for the project.

For his efforts on this and so many issues of importance to our national park system, the Grand Teton National Park Foundation supports the naming of the center after Senator Thomas.

I ask unanimous consent that a copy of their letter of support be printed in the RECORD.

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

GRAND TETON NATIONAL  
PARK FOUNDATION,  
Moose, WY, June 12, 2007.

Hon. MICHAEL B. ENZI,  
Senate Russell Office Building,  
Washington, DC.

DEAR SENATOR ENZI: On behalf of the Board of the Grand Teton National Park Foundation I am writing to endorse the idea of naming the new Visitor Center in Grand Teton National Park after the late Senator Craig Thomas.

Senator Thomas loved the national parks and was a tireless advocate for them. The beautiful Grand Teton Discovery and Visitor Center which will open this summer is a model public/private partnership. Senator Thomas championed this project since 1997. His leadership in securing an \$8 million appropriation inspired the Foundation to raise \$13.6 million in private funds for the project.

The ribbon cutting on August 11th will be a special day for everyone who has been involved with this project. It will also be a very sad day because Senator Thomas will not be there with us to celebrate the culmination of years of work.

Feel free to contact me if you require any additional information.

Sincerely,

LESLIE MATTSON-EMERSON,  
*Executive Director.*

**MR. ENZI.** Mr. President, the ribbon-cutting ceremony for the newly constructed Grand Teton Visitors Center is August 11, 2007. It will be a day that will be long remembered by all who come to honor the memory of one of the park's greatest champions. By passing this legislation, we are making that day possible and ensuring that those who attend that special ceremony will be the first to enjoy all the Craig Thomas Discovery and Visitor Center will have to offer. This is an honor which I know would have pleased Craig and made him very proud. I can also see him riding tall in the saddle of a horse, taking it all in under the brim of his favorite cowboy hat.

Naming the visitors center for Craig Thomas will also mean a great deal to everyone who knew and loved him. It will be a tribute to a special American that will last for a long time to come. Many years from today, when people come to the park and stop by the visitors center that bears his name, they will know that Craig Thomas was so many things in life—a marine, a Senator, a rancher, and a dedicated father and husband. But most of all, they will know Craig loved Wyoming and the West and fought with everything he had to maintain our precious resources.

I always said God saved some of his best handiwork for Wyoming. We are fortunate that he also gave us the best champion to fight to protect and preserve it all.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration Calendar No. 41, S. 277.

**THE PRESIDING OFFICER.** The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 277) to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and other purposes.

There being no objection, the Senate proceeded to consider the bill.

**MR. ENZI.** Mr. President, I ask unanimous consent that the Enzi amendment at the desk be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.